

**MEETING**

**FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE**

**DATE AND TIME**

**MONDAY 15TH OCTOBER, 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: Cllr Eva Greenspan  
Vice Chairman: Cllr John Marshall

**Councillors**

Claire Farrier  
Melvin Cohen  
Shimon Ryde  
Danny Rich  
Alan Schneiderman

**Substitute Members**

Gabriel Rozenberg  
Jennifer Grocock  
Dean Cohen  
Alison Moore  
Peter Zinkin  
Kath McGuirk  
Geof Cooke

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

**Andrew Charlwood – Head of Governance**

Governance Services contact: Tracy Scollin 020 8359 2315 [tracy.scollin@barnet.gov.uk](mailto:tracy.scollin@barnet.gov.uk)

Media Relations Contact: Gareth Greene 020 8359 7039

**ASSURANCE GROUP**

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## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	5 - 18
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.	16 Lichfield Road, London, NW2 2RE 18/2798/FUL Childs Hill	19 - 32
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8.	185 West Heath Road London NW3 7TT 18/4447/FUL Childs Hill	47 - 62
9.	23 Golders Green Crescent London NW11 8LA 18/3671/FUL Childs Hill	63 - 76
10.	592 Finchley Road London NW11 7RX 18/4404/FUL Childs Hill	77 - 90
11.	Rear Of 147 Cricklewood Lane London NW2 2EL 18/3403/FUL Childs Hill	91 - 108
12.	1-5 Princes Parade, Golders Green Road and 1 - 3 Heather Gardens London NW11 9HS 18/2492/FUL Golders Green	109 - 136
13.	Rear of Sage Court 200-210 Golders Green Road London NW11 9AQ 18/4689/FUL Golders Green	137 - 166
14.	176 Golders Green Road London NW11 8BB 18/3970/FUL Golders Green	167 - 180
15.	213 - 215 Golders Green Road London NW11 9BY 18/0579/RCU	181 - 194

	Golders Green	
16.	261 Nether Street London N3 1PD 18/3148/FUL West Finchley	195 - 214
17.	The Hippodrome North End Road London NW11 7RP 18/4397/LBC Garden Suburb	215 - 222
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19.	4 Granville Road London N12 0HJ 18/3188/FUL Woodhouse	249 - 272
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21.	Any item(s) the Chairman decides are urgent	

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**Decisions of the Finchley and Golders Green Area Planning Committee**

4 September 2018

PRESENT:-

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

Councillors:

Councillor Claire Farrier  
Councillor Danny Rich

Councillor Shimon Ryde  
Councillor Alan Schneiderman

Apologies for Absence

Councillor Melvin Cohen

**1. MINUTES OF LAST MEETING**

The minutes were approved.

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

Apologies were received from Councillor Melvin Cohen.

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

Councillor	Application	Declaration
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AGENDA ITEM 1

Cllr Shimon Ryde	1069 Finchley Road	Non-pecuniary interest by virtue of the applicant being known to him. Cllr Ryde would leave the room whilst the item is being discussed.
Cllr Claire Farrier	58 and 60 High Road	Non-pecuniary interest by virtue of knowing some of the residents/objectors involved as it is in her ward.
Cllr Claire Farrier	13 Leicester Road	Non-pecuniary interest by virtue of knowing some of the residents/objectors as it is in her ward.
Cllr John Marshall	5 Church Mount	Non-pecuniary interest by virtue of knowing some of the residents/objectors.

4. **REPORT OF THE MONITORING OFFICER (IF ANY)**
5. **ADDENDUM**
6. **16 LICHFIELD ROAD LONDON NW2 2RE 18/2798/FUL**

This item was withdrawn from the agenda.

7. **7 HOLDERS HILL CRESCENT LONDON NW4 1NE 18/2029/HSE**

This item was withdrawn from the agenda.

8. **5 CHURCH MOUNT LONDON N2 0RW 17/5814/HSE**

The Planning Officer presented the report and addendum to the Committee. A verbal update to the addendum was noted: paragraphs 1 to 3 of section titled 'National Planning Policy framework and National Planning Practice Guidance' should be deleted.

Mr Alan Cohen and Mr Graham Hirschfield spoke in objection to the application.

The applicant addressed the Committee.

The vote was recorded as follows:

For (approval) – 0

Councillor Marshall moved a motion to refuse the application and was seconded by Councillor Ryde and the Chairman, for the reasons below:

The proposed development, by reason of its size, scale and design, would represent an overdevelopment of the site and would be harmful to the character and appearance of the property and fail to preserve or enhance the character and appearance of the Hampstead Garden Suburb Conservation Area, contrary to policies CS NPPF, CS1 and CS5 of the Adopted Local Plan Core Strategy (2012), policies DM01 and DM06 of the Adopted Development Management Policies DPD (2012), the Adopted Residential Design Guidance (2016) and the Adopted Hampstead Garden Suburb Conservation Area Character Appraisal Design Guidance (2010).

The vote was recorded as follows:

For (refusal) - 5

Against (refusal) - 0

Abstained – 1

**Carried** – the application was **REFUSED**.

**9. 80A WESTBURY ROAD LONDON N12 7PD 18/1802/HSE**

The Planning Officer presented the report to the Committee. An amendments was agreed to informative 1 - refer to paragraphs 38 – 57 of the NPPF.

As the item had been deferred from the previous meeting there were no speakers.

The vote was recorded as follows:

For (approval) - 6

Against (approval) – 0

Resolved – the application was **APPROVED**.

**10. 58 AND 60 HIGH ROAD LONDON N2 9PN 18/3280/FUL**

The Planning Officer presented the report to the Committee.

No objectors were at the meeting.

The applicant addressed the Committee.

The vote was recorded as follows:

For (approval) – 6

Against (approval) – 0

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

**11. 39 HARMAN DRIVE LONDON NW2 2ED 18/3330/RCU**

The Planning Officer presented the report to the Committee.

Dr R Sepel spoke in objection to the application.

The architect for the applicant addressed the Committee.

The vote was recorded as follows:



For (approval) – 0

Councillor Ryde moved a motion to refuse the application and was seconded by the Chairman. The reason for refusal:

“The rear patio and boundary wall, by reason of their size and siting, have an overbearing appearance and result in a loss of privacy, detrimental to the amenities enjoyed by the occupiers of no. 38 Harman Drive, contrary to Policies CS NPPF, CS1 and CS5 of the Adopted Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).”

The vote was recorded as follows:

For (refusal) – 6

**Carried** – the application was **REFUSED**.

**12. 23 THORNFIELD AVENUE LONDON NW7 1LT 17/7604/HSE**

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

Mr Keith Wilmott and Mrs Ruth Geiger spoke in objection to the application.

The applicant, Mr Jonathan Dibble, addressed the Committee.

The vote was recorded as follows:

For (approval) - 6

Against (approval) – 0

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

**13. 22 GOLDERS MANOR DRIVE LONDON NW11 9HT 18/2237/RCU**

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

No objectors were present.

The applicant was not present.

The vote was recorded as follows:

For (approval) – 0

Councillor Marshall moved a motion to refuse the application. This was seconded by Councillor Ryde. The reason given was:

The proposed development would result in the loss of a single family house and would be detrimental to the established character of the area which comprises predominantly single family dwelling houses, contrary to Policies CS NPPF, CS1 and CS5 of the Adopted Local Plan Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

The vote was recorded as follows:

For (refusal) – 6

Against (refusal) – 0

**Resolved** - that the application was **REFUSED** for the above reason.

**14. 1069 FINCHLEY ROAD LONDON NW11 0PU 18/3599/FUL**

Councillor Ryde left the room for this item.

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

Ms Lavinia Banerjee and Ms Christine Klein (on behalf of Mr Richard Morawetz) spoke in objection to the application.

Ms Emily Benedict, agent for the applicant, addressed the Committee.

The vote was recorded as follows:

For (approval) – 2  
Against (approval) – 3

Councillor Farrier moved a motion to refuse the application and was seconded by Councillor Schneiderman. The reasons given for refusal:

1. “The proposed development, by reason of the number of units proposed and inadequate level of amenity space to serve future occupiers, represents an overdevelopment of the site and would fail to provide satisfactory living conditions for future residents, contrary to policies CS NPPF, CS1 and CS5 of the Barnet's Adopted Core Strategy (2012), policies DM01 and DM02 of the Adopted Development Management Policies DPD (2012), the Adopted Residential Design Guidance SPD (2016) and the Adopted Sustainable Design and Construction SPD (2016).”
2. “The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.”

The vote was recorded as follows:

For (refusal) – 3  
Against (refusal) – 2

Councillor Marshall requested that his dissent from voting for refusal be recorded.

**Carried** – the application was **REFUSED**.

**15. 38 MOSS HALL GROVE LONDON N12 8PB 18/3690/HSE**

The Planning Officer presented the report to the Committee.

Mrs Beverley Friedgood spoke in objection to the application.

Mrs Felice Crown spoke in objection to the application.

The applicant, Mr Nilesh Lukka, addressed the Committee.

The vote was recorded as follows:

For (approval) – 4  
Against (approval) – 0  
Abstained – 2

**Resolved** – the application was **APPROVED**.

**16. 546 FINCHLEY ROAD LONDON NW11 8DD 18/3477/FUL**

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

Mr Alfred Nathan spoke in objection on behalf of his mother, Mrs Dorothy Brown.

Ms Emily Benedict, agent of the applicant, addressed the Committee.

The vote was recorded as follows:

For (approval) – 0  
Against (approval) – 6

Councillor Marshall moved to refuse the application and was seconded by Councillor Ryde. The reasons given:

1. The proposed development would result in the loss of a single family house and would be detrimental to the established character of the area which comprises predominantly single family dwelling houses, contrary to policies CS NPPF, CS1 and CS5 of the Adopted Local Plan Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).
2. The proposed development, by reason of its size, siting, bulk and design, would be out of character within this part of Fernside/ Finchley Road and would be detrimental to the character and appearance of the streetscene and wider locality, contrary to policies CS NPPF, CS1 and CS5 of the Adopted Local Plan Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance (2016).

The vote was recorded as follows:

For (refusal) – 6

Against (refusal) – 0

**Carried** – the application was **REFUSED**.

**17. 55 WOODSTOCK ROAD LONDON NW11 8QD 18/1354/FUL**

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

Dr H Nissenbaum spoke in objection to the application.

Mr Matthew Wheeler, Chartered Surveyor, addressed the Committee on behalf of the applicant.

The vote was recorded as follows:

For (approval) – 1

Against (approval) – 5

Councillor Ryde moved to refuse the application and was seconded by the Chairman. The reason for refusal:

The proposed development, by reason of its size, siting, bulk and design and loss of trees associated with the provision of basement parking, would be out of character within this part of Woodstock Road and would be detrimental to the character and appearance of the streetscene and the visual amenities of the wider locality, contrary to policies CS NPPF, CS1 and CS5 of the Adopted Local Plan Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance (2016).

For (refusal) – 5

Against (refusal) – 1

**Carried** – the application was **REFUSED** for the above reason.

**18. 15 WYCOMBE GARDENS LONDON NW11 8AN 18/3290/FUL**

The Planning Officer presented the report to the Committee.

Mr Anthony Woolich spoke in objection to the application.

Mr Sergio Perelberg spoke in objection to the application.

Ms Sharon Irving spoke on behalf of the applicant.

An amendment to condition 16 was agreed:

“No demolition or 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).”

The vote was recorded as follows:

For (approval) – 5

Against (approval) – 1

**Resolved** – the application was **APPROVED**.

**19. 13 LEICESTER ROAD LONDON N2 9DY 18/3791/RCU**

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

The applicant, Ms Claire Carter, addressed the Committee.

The vote was recorded as follows:

For (refusal) – 0

Against (refusal) – 6

Councillor Farrier moved to approve the application and was seconded by Councillor Rich. The Committee gave delegated authority to officers to attach the appropriate conditions. The conditions below were agreed:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: SITE LOCATION PLAN, 2017.04.1531-01, 2017.04.1531-02, 2017.04.1531-03 REV A, 2017.04.1531-04 REV A, 2017.04.1531-05 REV A, 2017.04.1531-06 REV A and 2017.04.1531-07 REV A

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. 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 15 Leicester Road.

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)

Delete informative 1

Amend informative 2 to refer to paragraphs 38 – 57 of the NPPF.

The vote was recorded as follows:

For (approval) – 6

Against (approval) – 0

**Resolved** – the application was **APPROVED**.

**20. 59 HODFORD ROAD LONDON NW11 8NL 18/1916/RCU**

The Planning Officer presented the report to the Committee.

No speakers were present.

The below amendment to condition 3 was agreed:

The heat pumps 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 (iii) below:-

i)a) within one month of the date of this decision, 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.

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 approval of the submitted details.

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.

ii) within three months of the date of this decision the scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

Reason: To minimise the visual impact of the development on the street scene and character of the area in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and policy DM01 of the Development Management Policies DPD (adopted September 2012).

Amend informative 1 to refer to paragraphs 38 – 57 of the NPPF.

The vote was recorded as follows:



For (approval) – 6  
Against (approval) – 0

**Resolved** – the application was **APPROVED**.

**21. 53 LLANVANOR ROAD LONDON NW2 2AR 18/3321/HSE**

The Planning Officer presented the report to the Committee.

There were no speakers.

An amendment to informative 1 was noted: refer to paragraphs 38 – 57 of the NPPF.

The vote was recorded as follows:

For (approval) – 6  
Against (approval) – 0

**Resolved** – the application was **APPROVED**.

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

The meeting finished at Time Not Specified

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**LOCATION:** 16 Lichfield Road, London, NW2 2RE

**REFERENCE:** 18/2798/FUL

**Received:** 09 May 2018

**AGENDA ITEM 6**

**Accepted:** 11 May 2018

**WARD(S):** Childs Hill

**Expiry:** 11 July 2018

**APPLICANT:** Mrs Gabriella Marino

**PROPOSAL:** Conversion of existing ground floor shop into 1no self-contained flat. Second floor side and rear extension . Roof extension involving rear dormer window, 2no rooflights to front elevation to provide 1no self-contained flats. Associated parking, refuse and recycling store and cycle storage

**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.

Conditions

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

Site Layout Plan L06/2017/SITE Rev D  
Site and Block Plans L06/2016/01  
Existing Ground Floor Plan BA22530916\_01  
Existing First and Second Plan BA22530916\_02  
Existing Elevations Drawing elevation E1-E3  
Proposed Ground and First Floor Plan L06/2016/02 Rev A  
Proposed Loft and Roof Plan L06/2016/03 Rev C  
Proposed Elevations L06/2016/04 Rev D  
Design and Access Statement dated May 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. The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted

September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

4. a) Before the development hereby permitted is first occupied, details of the sub-division 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 occupation of the development, parking spaces and the access to the parking spaces shall be provided in accordance with drawing No. L06/2017/Site Rev. D submitted with the application. 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.

6. Prior to the occupation of the development, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

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

7. 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).

#### Informatives:

1. In accordance with paragraphs 38-57 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](http://www.planningportal.gov.uk/cil).

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

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

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

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

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website. The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

Relief or Exemption from CIL:

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

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

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

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

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

4. Please visit

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

3. For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

Please Note: A maximum width of a continuous crossover allowed for a property from a public highway is 4.8 metres.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

4. Provision of a new footway or modification of the existing footway shall be Disability Discrimination Act (DDA) compliant.

5. 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](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto: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.

6. It is an offence under Section 151 of the Highways Act 1980 to allow mud, debris or other materials to be deposited on the highway so as to damage it, obstruct it or create a nuisance or danger. The applicant will ensure that highways in the vicinity of the works are kept free from mud, debris and dust falling from vehicles or the wheels of vehicles associated with the works or spreading from the works. Where the deposit of mud, debris or dust is unavoidable, warning signs must be exhibited whilst works are in progress. Carriageways and footways affected must be swept at least every two hours or otherwise to the satisfaction of the Authority. The applicant shall be responsible for keeping the highway clean in the vicinity of the site. Any mud or spoil deposited on the public highway shall be removed without delay.

7. Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.

8. 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.

## **1. Site Description**

The application site is located on Litchfield Road, close to the Cricklewood Town Centre. The immediate vicinity is comprised of 3 storey terrace properties and 2 storey maisonettes. There is an established character of flats in the area.

The property has a commercial ground floor shop with a separate shop front. The remainder of the property is divided into 4 self-contained flats. Permission was given in 1969 for the conversion of the property into 2 self-contained flats.

The shop front extends forward of the main building line. There is no planning permission for the shopfront extension but an enforcement case in 2013 found the extension to be lawful by virtue of having been built over 4 years ago.

The property benefits from an existing first floor side extension with a flat roof.

## **2. Site History**

Reference: 17/4186/FUL

Address: 16 Lichfield Road, London, NW2 2RE

Decision: Refused by reason of the development being obtrusive and detrimental to the character of the host property, streetscene and general locality as well as insufficient car parking.

Decision Date: 29.08.2017

Description: Conversion of existing ground floor shop into 1no self-contained flat. Second floor side and rear extension . Roof extension involving rear dormer window, 2no rooflights to front elevation to provide 1no self-contained flats. Associated parking, refuse and recycling store and cycle storage.

Appeal: Dismissed 16/03/2018.

Reference: 17/0799/FUL

Address: 16 Lichfield Road, London, NW2 2RE

Decision: Refused

Decision Date: 24.04.2017

Description: Conversion of existing ground floor shop into 1no self-contained flat. Second floor side and rear extension. Roof extension involving rear dormer window, 2no rooflights to front elevation to provide 1no self-contained flats

Reference: C14118/00

Address: 16 Lichfield Road, London, NW2 2RE

Decision: Refused

Decision Date: 28 December 2000

Description: Creation of two additional self-contained residential flats, involving change of use of ground floor shop (A1) to residential (C3), ground floor rear extension and second floor side extension.

Reference: C02299

Address: 16 Lichfield Road, London, NW2 2RE



Decision: Approved subject to conditions  
Decision Date: 6 March 1969  
Description: Conversion into 2 self-contained flats.

### **3. Proposal**

Conversion of existing ground floor shop into 1no self-contained flat. Second floor side and rear extension . Roof extension involving rear dormer window, 2no rooflights to front elevation to provide 1no self-contained flats. Associated parking, refuse and recycling store and cycle storage

The applicant seeks permission to convert the existing ground floor shop into 1 self-contained flat, and undertake extensions to the second floor and roof to create 1 additional self-contained flat. The proposal will add a total of 2 additional flats to the 4 existing flats. This will result in a total of 6 flats. The existing flat at ground Floor (Unit A) and two flats at first floor (Unit B and C) are unchanged.

The proposed ground floor flat (Unit A1) would be 70m<sup>2</sup> GIA with 2 bedrooms for 3 people. The existing second Floor Flat (Unit D) would be extended to 62.9m<sup>2</sup> GIA with 2 bedrooms for 3 people.

The proposed second floor flat (Unit E) would be 65.8 GIA with 2 bedrooms for 3 people.

The existing shop front would be removed and replaced with a bay window to match the existing front window. The rear of the ground floor shop would be altered following removal of the existing utility space. The alterations involve a side extension of 2.4 metres in depth and 1.8 metres in width.

The applicant also proposes to construct a second floor rear and side extension. The rear extension would measure 5.7 metres in depth, 2.7 metres in height and 5.2 metres in width. The side extension would measure 3.8 metres in width at the front of the property and 4.3 metres in width at the rear of the property. The roof is proposed to extend in width and have a pitched end to match the existing pitch slope.

In addition, a rear dormer is proposed measuring 4.5 metres in width, 2.1 metres in height and 3.2 metres in depth. Two rooflights will also be added to the front elevation to facilitate a loft conversion.

The forecourt of the property will contain bin stores and landscaping, along with parking spaces for 2 or 3 vehicles.

### **4. Consultation and Views Expressed**

#### Public Comments

Consultation letters were sent to 217 neighbouring properties.  
3 responses have been received, comprising 3 letters of objection.

The objections received can be summarised as follows:

- the loss of the shop which is conveniently located and well used by the community

- Impact on parking demand
- Installation of dropped curb will reduce on street parking space
- Will exacerbate existing problems of persons parking on the pavement.
- Installation of hardstanding instead of areas of landscaping will encourage pollution

Comments received following publication of the Finchley and Golders Green Planning Sub Committee Report for the 4<sup>th</sup> September 2018

- Officer report fails to refer to objections submitted pursuant to earlier applications
- Summary of objections received does not adequately address objections
- No highways report has been submitted
- Fails to take account of proposed cpz or proposed new bus stops;
- Report fails to mention that this part of Lichfield Road is a high density, while Residential Design SPD advises that Barnet is characterised by low density housing
- Application property currently unoccupied while officer report advises that it is occupied
- Occupation levels of proposed flats likely to be higher than stated due to cost of living;
- Shop is occupied so is viable
- Report states no previous objections to loss of retail in consideration of previous applications when numerous objections in this regards were received.
- Impact on disabled persons

Officer Comment:

*Objections received pursuant to previous applications are not reported in the consultation response sections of subsequent applications, only those comments received in connection with the current applications; neighbouring objectors comments are always summarised in reports and do not report comments in full; highway comments have been received, however as the current application is meeting Barnet's maximum parking standards there is no need to do an assessment of road side parking demand; Barnet contains a variety of density levels within its boundaries, some high some low, the principle of the provision of additional flats has never previously been included as a reason for refusal; proposals concerning bus stops and a cpz are still in consultation and may or may not be implemented, as such it is unreasonable to include this as a reason for refusal, in any event the proposal now complies with Barnet's maximum standards; the officer report refers to permission being in place for the use of the property for 4 flats not the occupation of the units; the future occupation levels of the consented units is not under the control of the Council and is not material to the determination of the application; the Council does not dispute that the retail unit is occupied however this does not affect the officer recommendation; the report has been amended to refer to previous reasons for refusal rather than no concerns being expressed; it is not considered that the loss of the shop would unduly affect disabled users.*

Elected Representatives

The following call in request has been received from Cllr Clarke:

'I wish to direct application 18/2798/FUL to the Planning Committee for their consideration. Residents of Lichfield Road are concerned about the loss of amenity of their local shop, the impact of having a dropped kerb in a new CPZ and the addition of more flats in an already overcrowded area. I would therefore like members of the Planning Committee to determine this application.'

Internal /external and Other Consultations:

Highways

No Objections subject to Conditions

## **5. Planning Considerations**

### **5.1 Policy Context**

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

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

The 2018 NPPF was adopted in July 2018, replacing the 2012 NPPF. The NPPF sets out the Government's planning policies for England and how these should be applied<sup>1</sup>. It provides a framework within which locally-prepared plans for housing and other development can be produced.

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.

#### Draft Replacement London Plan 2017

The Draft London Plan (DLP) published November 2017 sets out the Mayor's overarching strategic planning framework from 2019 up to 2041. When adopted this will replace the London Plan 2016.

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.

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

- 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:

- the principle of development including the loss of the existing A1 use
- 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;
- Highways and Parking.

## **5.3 Assessment of proposals**

### Principle of Development including Loss of A1 Use

The objections were concerned with the loss of the ground floor shop and absence of any other shops in the area. Three previous applications at the site have not included any reason for refusal in connection with the loss of the shop. Specialist advice was sought during the consideration of one of the previous applications and it was concluded that the location of the shop is not viable for A1 use. This is still considered to be the case in this instance. There are also other shops in the Cricklewood Town Centre within walking distance. The loss of the shop is not considered a justifiable grounds for refusal in this case.

The building is currently in use as flats on upper levels and as such the basic principle of flats in this location is considered acceptable. It was noted that the principle of the development was accepted by virtue of the previous inspector's decision which raised no objections in this regard.

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

The application proposes the replacement of the existing shop front and its replacement with a bay window together with a reconfiguration of the existing ground floor accommodation. The application also proposes to construct a two storey rear and side extension. The rear extension would measure 5.7 metres in depth, 2.7 metres in height and 5.2 metres in width. The side extension would measure 3.8 metres in width at the front of the property and 4.3 metres in width at the rear of the property. The roof is proposed to extend in width and have a pitched end to match the existing pitch slope. In addition, a rear dormer is proposed measuring 4.5 metres in width, 2.1 metres in height and 3.2 metres in depth along with two rooflights.

The extensions proposed are identical to those previously considered at appeal under planning application reference 17/4186/FUL. The Inspector while dismissing the appeal on highway grounds did not support the Council's objections to the visual appearance of the proposed extensions concluding that the proposals would not harm the character and appearance of the host property or the surrounding area as the extensions would be viewed against the backdrop of the terrace and a number of rear extensions.

Given this previous appeal decision it is not considered that any objection can be sustained in relation to the visual appearance of the proposed extensions.

#### Neighbouring Amenity

The application property is located approximately 12m from the flank wall of number 17 and 18 Lichfield Road, which contains no side facing windows and due to this arrangement no demonstrable loss of daylight, sunlight or sense of enclosure will occur. In relation to number 14 Lichfield Road, the proposed first floor rear extensions are no higher than an existing first floor rear extension and as such would not result in any significant adverse impact.

It is noted that the impact upon neighbouring amenity did not form part of the previous reason for refusal and given that the plans are unchanged would not be reasonable for the application to be refused on these grounds.

#### Highways and Parking

The previous application was refused in part due to Insufficient car parking being provided (1 space was proposed) to serve the development. This reason for refusal was endorsed by the Planning Inspector who noted that the level of car parking did not accord with Council Policy and that this would adversely affect parking stress on Lichfield Road.

The applicant has amended the plans to provide 2-3 spaces on the forecourt of the premises. The 3<sup>rd</sup> space requires an increase in the width of the existing footway crossing. The 3<sup>rd</sup> space is marked as if required by the Council and subject to their being Highways approval to the extension of the footway crossing.

The Council's Highway officer has been consulted on the proposal and has advised that they consider that 3 spaces should be provided and that subject to conditions raise no objections to the proposal. While the proposed changes to the crossing will reduce the amount of space for on- street parking it is not considered that this would warrant the refusal of the application as this is inevitable in any drop curb application.

No detailing has been provided for the cycle storage a condition is suggested requiring the provision of appropriate facilities.

Issues have also been raised by local residents concerning the potential introduction of a CPZ on roads in the vicinity of Westcroft Estate including Lichfield Road including a proposal for the relocation of bus stops in Lichfield Road. These plans are at consultative stage and cannot form part of the consideration of the planning application, as the proposal may or may not be implemented depending on the consultation responses received. In any event it

is not considered that this would justify the refusal of the application as the proposals comply with Barnet's maximum standards.

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

The matters raised have been addressed in the officer's report above.

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

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities. Issues raised in relation to the loss of the retail facilities are addressed elsewhere in this report.

#### **7. Conclusion**

The proposal satisfactorily addresses the previous reason for refusal relating to inadequate parking provision. While the comments raised in relation to the principle of the development are noted these did not form part of previous reasons for refusal. In relation to design, while Council Officers previously objected to the visual appearance of the proposed extensions. This was not subsequently supported by the Planning Inspectorate and as such no objections can be raised in such regards in relation to the current scheme. The application is therefore recommended for **APPROVAL** subject to Conditions.

**SITE LOCATION PLAN:** 16 Lichfield Road, London, NW2 2RE

**REFERENCE:** 18/2798/FUL



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**Location** Tudor Court 2 Crewys Road London NW2 2AA

**Reference:** 18/3299/S73

Received: 30th May 2018

Accepted: 30th May 2018

**Ward:** Childs Hill

Expiry 25th July 2018

**Applicant:** Mr Jack Frankel

**Proposal:** Variation of condition 1 (Plan Numbers) pursuant to planning permission 17/7387/FUL dated 27/04/2018 for "Two storey extension to South, West and North elevations to provide 6no self-contained studio flats with extensions to two existing flats at second and third floor levels. Erection of an enclosed stair well, cycle store and alterations to existing refuse and recycling storage." Amendments include creation of balconies for flats 11 and 19 and a small dog leg to both flats 11 would be internal and 19 would be external

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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: Drg.no.EWG\_001\_01, Drg.no.EWG\_001\_11 Rev.G, Drg.no.EWG\_001\_12 Rev.G and Drg.no.EWG\_001\_15 Rev.H.

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 the permission of the parent application (17/7387/FUL) dated 27/04/2018.

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 policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

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

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

- 5 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 2016).

- 6 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.

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

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

- 8 Prior to the first occupation of the 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 (2016) and the 2016 Mayors Housing SPG.

- 9 a) The scheme of proposed air pollution mitigation measures as approved under application reference 18/4524/CON dated 22/08/2018 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 shall be 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 April 2013) and Policy 5.3 of the London Plan 2011

- 10 Before the building hereby permitted is first occupied the proposed balcony enclosure shall be glazed with obscure glass only 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 October 2016).

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

- 1 In accordance with paragraphs 38-57 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](http://www.planningportal.gov.uk/cil).

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

developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a payment under Mayoral CIL.

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

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

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

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

## Officer's Assessment

### 1. Site Description

Tudor Court is located on the corner of Cricklewood Lane and Finchley Road and occupies a fairly prominent position in the street scene. The site is adjacent to a Classified Road.

The property is not listed, it does not lie within a conservation area, and there are no specific restrictions on site.

### 2. Site History

Reference: 15/06962/FUL

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Refused

Decision Date: 15 January 2016

Description: Mansard roof extension to form 1no self contained flat

Reference: 16/0639/FUL

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Refused

Decision Date: 30 June 2016

Description: Mansard roof extension to form 1no self contained flat

Reference: 17/2155/NMA

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Approved subject to conditions

Decision Date: 27 April 2017

Description: Non material amendment to planning permission F/04046/12 dated 10/06/13 for `Extension to roof including new mansard roof to create 3no. self contained residential units. New cycle store to ground level.` Amendment to include removal of condition 8 (Code For Sustainable Housing)

Reference: 17/3921/FUL

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Pending Decision

Decision Date: No Decision Made.

Description: Extension to roof including new mansard roof to create 3no. Self-contained residential units. New bin store to ground floor level and alterations to parking layout (RETROSPECTIVE)

Reference: 17/5139/S73

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Approved subject to conditions

Decision Date: 4 October 2017

Description: Variation to condition 7 pursuant to appeal decision APP/N5090/W/14/3001725 dated 06/05/2015 for "Two-storey side extension to provide 6 self-contained flats". Variations include Code for Sustainable Homes Technical Guide (October 2008) to be replaced with two new conditions relating to water efficiency and carbon dioxide emissions

Reference: 17/5417/CON

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Approved

Decision Date: 4 October 2017

Description: Submission of details of conditions 6 (Air Quality) pursuant to appeal decision APP/N5090/W/14/3001725 dated 06/05/15 (planning ref. F/03198/14)

Reference: 17/6966/CON

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Approved

Decision Date: 14 December 2017

Description: Submission of details of condition 8 (Construction Method statement) pursuant to appeal decision APP/N5090/W/14/3001725 dated 06/05/15 (planning ref. F/03198/14)

Reference: 17/7288/CON

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Approved

Decision Date: 28 December 2017

Description: Submission of details of conditions 3 (Refuse) pursuant to appeal decision APP/N5090/W/14/3001725 dated 06/05/15 (planning ref. F/03198/14)

Reference: 17/7387/FUL

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Approved subject to conditions

Decision Date: 27 April 2018

Description: Two storey extension to South, West and North elevations to provide 6no self-contained studio flats with extensions to two existing flats at second and third floor levels. Erection of an enclosed stair well, cycle store and alterations to existing refuse and recycling storage

Reference: 18/3536/CON

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Refused

Decision Date: 19 July 2018

Description: Submission of details of condition 9 (Air Pollution) pursuant to planning permission 17/7387/FUL dated 27/04/18

Reference: 18/4524/CON

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Approved

Decision Date: 22 August 2018

Description: Submission of details of condition 9 (Air Pollution) pursuant to planning permission 17/7387/FUL dated 27/04/18

Reference: F/03198/14

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Refused

Decision Date: 15 August 2014

Description: Two-storey side extension to provide 6 self-contained flats.

Reference: F/05718/13

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Refused  
Decision Date: 11 February 2014  
Description: Two storey extension to provide 6no. studio flats.

Reference: F/04046/12  
Address: Tudor Court, 2 Crewys Road, London, NW2 2AA  
Decision: Approved subject to conditions  
Decision Date: 10 June 2013  
Description: Extension to roof including new mansard roof to create 3no. self-contained residential units. New cycle store to ground floor level.

Reference: F/03629/10  
Address: Tudor Court, 2 Crewys Road, London, NW2 2AA  
Decision: Refused  
Decision Date: 13 May 2011  
Description: Formation of 6 no. studio units: 3 at ground floor level (Crewys Road Elevation), 2 above shops at second floor level (Cricklewood Lane Elevation), 1 at third floor level (Cricklewood Lane Elevation). (OUTLINE APPLICATION)

Reference: C01482B/07  
Address: Tudor Court, 2 Crewys Road, London, NW2 2AA  
Decision: Refused  
Decision Date: 1 August 2007  
Description: Mansard roof extension to provide three new residential units with associated extended parapet and cornice, walkway and guard rail and roof terraces. Cycle store.

### **3. Proposal**

The site received planning consent (Ref.17/7387/FUL dated 27/04/2018) for "Two storey extension to South, West and North elevations to provide 6no self-contained studio flats with extensions to two existing flats at second and third floor levels. Erection of an enclosed stair well, cycle store and alterations to existing refuse and recycling storage". This application is similar to a previous application approved at appeal (ref. F/03198/14), that included the proposed rear balconies.

The current application is a variation to the proposal includes the creation of balconies for flats 11 and 19, with a small internal dog leg to both flats and internal alterations to Studio C and Studio F.

The externally suspended balcony to flat 11 at second floor level, would be enclosed and would extend the living/dining area. It would measure 2.5m in width and 1.35m in depth. The balcony to flat 19 at third floor level would be externally suspended, partially enclosed, that would serve as additional amenity space. The balcony can be accessed from the living/dining area through full length doors. It would measure 2.5m in width and 1.35m in depth.

### **4. Public Consultation**

Site Notice dated: 14.06.18

Consultation letters were sent to 422 neighbouring properties.

5 objections and 2 letters of support were received.



Objections have been summarised below;

- The development will result in noise, disturbance, overlooking & loss of privacy
- Local design guidance/policy are ignored
- The development is Over-bearing / out-of-scale, out of character in terms of appearance
- It will put more strains in local parking space
- The addition of these developments would completely ruin the look and style of the building
- The addition of extra residents will de value the property prices
- Loss of light to car park and the west side of the building and the associated flats
- Put pressure on the waste disposal area, which would lead health, hygiene and safety concern

### Fire Brigade

The Brigade has been consulted with regard to the above-mentioned premises and makes the following observations: The Brigade is satisfied with the proposals for fire fighting access only.

This 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.

Internal Consultation:

### Environmental Health

No objection, subject to conditions.

### Highways

No comments

### Green Spaces

No comments

## **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.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The revised National Planning Policy Framework (NPPF) was published on 24th July 2018. 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. It is a material consideration in planning decisions. Similar material considerations are the Government's planning policy for traveller sites, and its planning policy for waste as well as Written Ministerial Statements where relevant to planning decisions.

Existing policies in Barnet's Local Plan (2012) and the London Plan (2016) should not be considered out-of-date simply because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF'.

#### 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.

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.

#### **4.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether the principle of residential units including the density of the development is appropriate for the area;
- Whether the proposal will provide suitable accommodation for future occupiers;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether the proposals would have an acceptable impact on highway and pedestrian safety

#### **4.3 Assessment of proposals**

The site already benefits from planning permission for the erection of 6 studio flats and this has been established via appeal APP/N5090/W/14/3001725 (F/03198/14, dated 20 June 14) and appeal APP/N5090/A/14/2219840 (F/05718/13, dated 04 December 2014).

Therefore, for the sake of clarity, it should be noted that this application, will only assess the creation of balconies for flats 11 and 19, with a small internal dog leg to both flats, and internal alterations within Studio C and Studio F.

Internal Alteration:

The layout of the flats within the building itself will remain identical to the approved scheme (ref.no. 17/7387/FUL dated 27/04/2018), with the exception of the internal layout within Studio C and Studio F. The alterations include the bedroom and the lounge/dinner being swapped around. No alterations have been proposed to the fenestrations or the size of the units. Therefore no concerns have been raised with regards to character, overlooking or loss of privacy.

The new proposed internal alterations are therefore not considered have an impact on the character of the application site or the amenities of the occupiers of the application site and neighbouring sites.

External Enclosed Balconies:

The proposed suspended balcony at flat no.19, is located on the third floor, adjacent to a west facing bedroom window of flat no.18, and is adjacent to the north facing bedroom window of studio F, measuring 2.5m in width, 1.35m in depth and 2m in height.

The proposed suspended balcony at flat no.11, is located on the second floor, adjacent to a west facing bedroom window of flat no.10, and is adjacent to the north facing bedroom window of studio C, measuring 2.5m in width and 1.35m in depth and 2m in height.

There is a distance of 2.4m between the balcony at flat 11 and the balcony at flat 19.

Whilst it is noted that the proposed balconies are in close proximity to the windows of neighbouring properties on the second and third floor, it is noted that the balconies will be enclosed with obscured glass. Therefore, taking into account the distance between the two balconies and the windows, it is not considered that the proposal will result in overlooking or loss of privacy to an unacceptable level. Furthermore, due to the orientation of the windows it is not considered that the proposed balconies will have an impact on the occupiers of the neighbouring properties to an acceptable level in terms of loss of light or outlook.

It is noted that similar balconies were shown on plan (drg.no.02/103 E, ref.no. F/03198/14) and plan (drg.no.02/103E, ref.no. F/05718/13), that were assessed as part of the appeal application. It is noted that the appeals inspector raised no objections to the existence of balconies to flat 11 and flat 19 and therefore the principle of the balconies at the application site has been established, via appeal ref no. via appeal APP/N5090/W/14/3001725 (F/03198/14, dated 20 June 14) and appeal APP/N5090/A/14/2219840 (F/05718/13, dated 04 December 2014).

Whilst the proposed balconies are of similar dimensions as previously approved, the difference is that the approved balconies were not enclosed, however the proposed balconies are enclosed with obscure glass which helps to mitigate any concerns with regards to overlooking or loss of privacy.

For these reasons, the proposal is considered to respond to the distinctive local building forms and patterns of development and respect the scale, massing, and height of the surrounding physical context in accordance with the Barnet Local Plan Supplementary Planning Document (SPD) Residential Design Guidance 2013. It will relate to the main building and character of the area.

The proposal is considered acceptable on design and character grounds and would not harm the amenities of neighbouring occupiers.

## **5. Public Consultation**

Consultation letters were sent to 422 neighbouring properties.

5 objections and 2 letters of support were received.

Site Notice dated: 14.06.18

The objections received can be summarised as follows:

- Limited parking
- The development will result in noise pollution, disturbance
- Devalue of property value
- Loss of light

- Pressure on waste disposal
- The development will deteriorate the character of the area. The development is a bulk/massing when compared to low level houses
- The development is over-bearing / out-of-scale, out of character in terms of appearance

The application is for internal alterations to Studio C and Studio F and creation of external balconies. It is therefore not considered to have any further impact than what has already been previously approved. Furthermore, the principle of the balconies has been established via appeal APP/N5090/W/14/3001725 (F/03198/14, dated 20 June 14) and appeal APP/N5090/A/14/2219840 (F/05718/13, dated 04 December 2014).

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

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

## **7. Conclusion**

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

# Site Location Plan



**Location**                    **185 West Heath Road London NW3 7TT**

**Reference:**                **18/4447/FUL**

Received: 17th July 2018

Accepted: 25th July 2018

Ward:                        Childs Hill

Expiry 19th September 2018

Applicant:                Newington

Proposal:                 Demolition of existing dwelling and erection of a new three storey dwelling with lower ground floor level. New boundary wall and gates

AGENDA ITEM 8

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 Front and Rear Elevations, Drawing No.1801/AP04 Rev B;
- Existing Floor Plans, Drawing No.1801/S03;
- Existing Side Elevations, Drawing No.1801/S05;
- Proposed Side Elevations, Drawing No.1801/AP05;
- Proposed Floor Plans, Drawing No.1801/AP03 Rev A;
- Existing Front and Rear Elevations, Drawing No.1801/S04;
- Existing Roof Plan, Drawing No.1801/S02;
- Proposed Roof Plan, Drawing No.1801/AP06;
- Proposed Site Plan, Drawing No.1801/AP02;
- Proposed Block Plan, Drawing No.1801/AP01;
- Existing Location and Block Plan, Drawing No.1801/S01.

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

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

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

- 3 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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

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

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

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

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

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

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

7 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.

8 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).

9 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 6.00 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).

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 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.

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 of new dwellings hereby approved.

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

- 13 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.

- 14 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevations facing 183A and 187 West Heath Road.

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).

- 15 Before the building hereby permitted is first occupied the proposed window(s) in the side elevations facing 183A and 187 West Heath 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 October 2016).

- 16 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 on the application and adjoining sites 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 2016.

- 17 a) Notwithstanding the details shown on the approved drawings, before the development hereby permitted is first occupied, details of all balcony/ terrace areas and associated privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).

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

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

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

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

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

- 3 Any details submitted in respect of the Demolition and Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.
- 4 The applicant advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

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

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

- 5 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](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto: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.

- 6 It is an offence under Section 151 of the Highways Act 1980 to allow mud, debris or other materials to be deposited on the highway so as to damage it, obstruct it or create a nuisance or danger. The applicant will ensure that highways in the vicinity of the works are kept free from mud, debris and dust falling from vehicles or the wheels of vehicles associated with the works or spreading from the works. Where the deposit of mud, debris or dust is unavoidable, warning signs must be exhibited whilst works are in progress. Carriageways and footways affected must be swept at least every two hours or otherwise to the satisfaction of the Authority. The applicant shall be responsible for keeping the highway clean in the vicinity of the site. Any mud or spoil deposited on the public highway shall be removed without delay.
- 7 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 8 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://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.

## **Officer's Assessment**

### **1. Site Description**

The application site currently accommodates a detached building at 185 West Heath Road. The existing property comprises a 4-storey detached dwelling house which has been extended to the rear in the form of a single-storey projection to accommodate a pool house along the shared boundary with No. 183 and 183A to the south west.

The plot has a width of approximately 26.7m (measured at the widest point), and depth of approximately 67.5m (at its deepest along the boundary with No.187 West Heath Road), giving a total area of around 750 sqm. The site falls significantly in level by approximately 8m from the street level to the rear of the site which allows a lower ground floor level to the current house.

The surrounding area is residential; characterised by mainly detached houses of varying styles, within wide and deep plots. The property is not listed, nor does it lie in a Conservation Area, and there are no other restrictions on the site.

### **2. Site History**

Reference: C00990L

Address: 185 West Heath Road, London, NW3

Proposal: Swimming pool enclosure in rear garden

Decision: Lawful

Decision Date: 14.11.1990

Reference: C00990K

Address: 185 West Heath Road, London, NW3

Proposal: Side extension at lower ground, first and second floor levels, rear extension at lower ground and ground floor levels, roof to front dormer and alterations to rear including new bay windows and dormer window.

Decision: Approved subject to conditions

Decision Date: 24.10.1990

Reference: C00990J

Address: 185 West Heath Road, London, NW3

Proposal: the erection of a garage

Decision: Approved subject to conditions

Decision Date: 18.07.1974

Reference: C00990H

Address: 185 West Heath Road, London, NW3

Proposal: alterations and conversion of garage into additional flat.

Decision: Approved subject to conditions

Decision Date: 22.02.1973

Reference: C00990G

Address: 185 West Heath Road, London, NW3

Proposal: conversion of house into four residential self-contained flats.

Decision: Approved subject to conditions

Decision Date: 21.01.1970

Reference: C00990E

Address: 185 West Heath Road, London, NW3



Proposal: Conversion of house into two flats  
Decision: Approved subject to conditions  
Decision Date: 22.01.1968

Reference: C00990D  
Address: 185 West Heath Road, London, NW3  
Proposal: Demolition of existing garages and extension at side to form new staff flat with car port for two cars.  
Decision: Approved subject to conditions  
Decision Date: 29.09.1967

Reference: C00990C  
Address: 185 West Heath Road, London, NW3  
Proposal: Demolition of existing garages and extension at side to form new staff flat with car port for two cars.  
Decision: Refused  
Decision Date: 27.06.1967

Reference: C00990B  
Address: 185 West Heath Road, London, NW3  
Proposal: Conversion of existing house into three flats, demolition of existing garage and erection of new maisonette as an extension of main building and car port for two cars.  
Decision: Refused  
Decision Date: 27.01.1967

Reference: C00990  
Address: 185 West Heath Road, London, NW3  
Proposal: Conversion of existing house into three flats and erection of car port with flat over  
Decision: Refused  
Decision Date: 01.07.1966

### **3. Proposal**

The following is proposed in this application:

- Demolition of the existing detached dwellinghouse and rear pool house;
- Erection of a new three-storey dwelling with a lower ground floor level; and
- New boundary wall and gates.

### **4. Public Consultation**

Consultation letters were sent to 5 neighbouring properties.

5 responses have been received, comprising 5 letters of objection.

The objections received can be summarised as follows:

- Larger property proposed compared with existing house;
- Large amount of glazing to the rear, non-energy efficiency;
- Design and materials are out of character with the surrounding area;
- Overlooking into neighbouring homes and gardens;
- Large balconies leading to loss of privacy of neighbouring properties and gardens;
- Level changes from the front to the rear of the site;
- Overdevelopment of the site;
- Increase of massing at third floor (roof) level;
- Out of scale with neighbouring properties;
- Increase in bulk and massing compared with the existing property;
- Loss of light to neighbouring properties;

- Increased depth compared with neighbouring properties.

## **5. Planning Considerations**

### **5.1 Policy Context**

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

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

The National Planning Policy Framework (NPPF) was published on 24th July 2018. 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this". The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan 2016

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

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

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

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

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

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

#### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

## 5.3 Assessment of proposals

### Impact on the character of the area

Principle of Redevelopment and Design:

The principle of replacing the dwelling with a new house is considered acceptable. The property is not listed or within a conservation area and is not of any particular architectural merit to warrant its retention.

The location of the proposed dwelling would be in keeping with Planning Policy Guidance and Regional Policy Guidance recommending the need for the effective use of land within urban areas and the use of previously developed land as far as possible.

Council Policies, in particular policy DM01 of the Development Management Policies (Adopted 2012), state that new residential developments must harmonise with and respect the character of the area, and the design of the proposal is considered to be consistent with the established character of the area.

The overall size, scale, bulk, height and design of the development is considered to be appropriate within its context. The proposed building will be partially higher than the existing dwelling and has been amended to reduce the depth of the building line to the rear of the property at third floor level, so as to respect the established heights and depths of properties along this part of West Heath Road.

An objection has been received in relation to the new building appearing bulky and blocking light to the neighbouring property, as part of the application process the building line and roof design at the top floor level has been amended to reduce the depth of the building so it is more in keeping with the existing building lines of the application site and neighbouring properties.

There is quite a varied array of size of house and design of houses along the road and it is not considered that this house would appear out of context in the street. The properties at No.183 and 183A West Heath Road are of a very modern design with flat roofs and white render finish and therefore the proposal for a more modern designed house on this plot would not be objectionable. There were concerns expressed through consultation regarding the amount of glazing to the rear of the property making the property appear overbearing, this has been reduced at roof level so the upper floor reads as a roof extension (similar to the existing property at this level) and not as an additional storey.

The success of the building will depend on the quality of the materials to be used; a condition has been attached to the decision notice requiring the details on materials to be submitted prior to commencing in order to ensure that the building harmonises with its context and in particular the adjoining property.

### Impact on the amenities of future occupiers

The development complies with the space standards for new development outlined in the London Plan 2016. The proposal is considered to provide adequate internal space for the future occupiers.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for houses with 7 or more habitable rooms, outdoor amenity space should be 85 m<sup>2</sup>. The development meets and exceeds this requirement.

### Impact on the amenities of neighbours

At all levels, the width of the property is to remain consistent with the existing dwellinghouse.

### Lower Ground Floor/Basement Level

The existing basement/lower ground floor level at the property will have a larger footprint than the existing ground floor. To the front of the property the basement level will be extended towards the front boundary to accommodate underground car parking and a surface car parking lift. The lift details have been provided by the applicant and will not be visible from the streetscene as it will appear as a driveway.

To the rear of the property the lower ground floor level will extend out further than the existing basement level closest to No.187 West Heath Road to accommodate a submerged swimming pool and gymnasium. Due to the sunken nature of the proposals and their invisibility from the street scene and from neighbouring occupiers due to the reduction in ground levels to the rear of the site the proposal is assessed to not harm the amenities of neighbouring occupiers.

### Upper Ground Floor Level

The upper ground floor level is proposed to extend further beyond the existing rear elevation closest to No.187 West Heath Road by 3.1m. Due to the nature of the plot at No.187 West Heath Road and its relationship from the current property being set away from the neighbouring property, there are no objections to this element of the proposal. The rear projection against the boundary with No.185 West Heath Road has been reduced in depth from what it present currently by 4.5m along the boundary, therefore this is assessed to not harm the amenities of neighbouring occupiers at No.185 West Heath Road.

### First and Second Floor Levels

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

In addition to the requirements of Policy DM01 in respect of providing adequate daylight, sunlight, privacy and outlook for neighbouring properties, the Residential Design Guidance SPD states that the privacy of existing and future development should be protected and gardens and windows to habitable rooms should not be significantly overlooked.

The proposal by reason of its size, siting, depth and the distances between neighbouring windows is not considered to result in harm to the neighbouring occupiers. It is noted that the new building does extend closer to each of the neighbouring properties than the existing building, however, there is still considered to be a sufficient distance and proposed depth is acceptable within this context.

There are a number of windows proposed in the rear elevation, the amount of glazing at roof level has been reduced in order to reduce the concerns at consultation regarding the property appearing dominant and overbearing due to the use of these materials. The roof extension now reads as a roof extension and not an additional storey.

### Accessibility and Sustainability

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

In terms of water consumption, a condition is attached to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to

ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

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

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

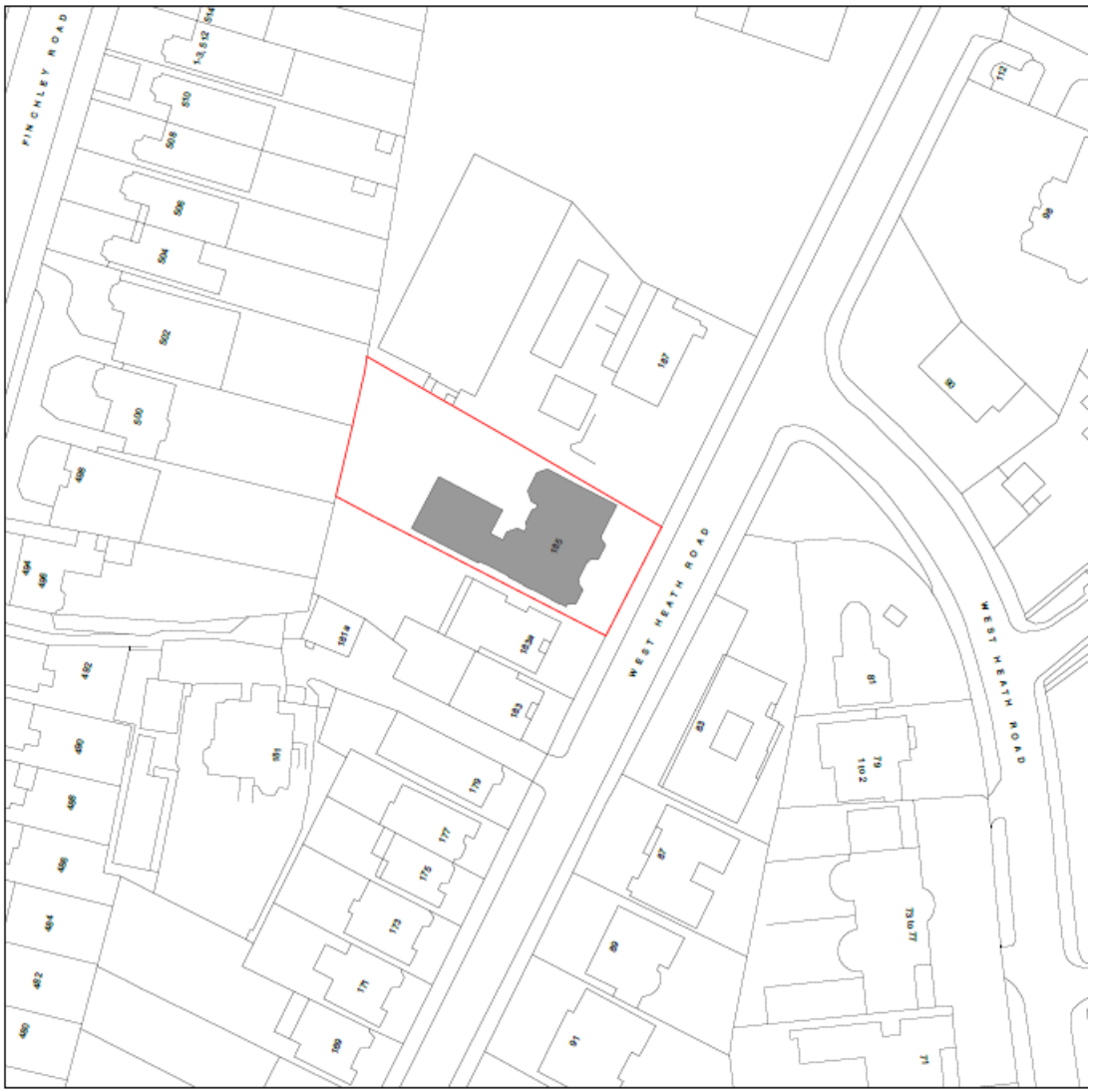
All planning related matters are considered to be covered in the above appraisal.

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

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

#### **7. Conclusion**

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



**Location**                            **23 Golders Green Crescent London NW11 8LA**

**Reference:**                        **18/3671/FUL**

Received: 13th June 2018

Accepted: 14th June 2018

Ward:                                Childs Hill

Expiry 9th August 2018

Applicant:                         Mr Nathan Cohen

Proposal:                            Partial excavation and extension of existing basement. First floor rear extension including associated alterations to existing roof following removal of existing rear dormer. Insertion of 1no rooflight to rear projection and 1no rooflight to side elevation to provide conversion of single family dwellinghouse into 3no self-contained flats. Provision of refuse and recycling storage

**AGENDA ITEM 9**

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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:

900\_23\_GG\_XX000,900\_23\_GG\_XX001,900\_23\_GG\_XX002, 00\_23\_GG\_XX003, 900\_23\_GG\_XX004,900\_23\_GG\_XX005, 900\_23\_GG\_XX006, 900\_23\_GG\_S100, 900\_23\_GG\_D 100 Rev A, 900\_23\_GG\_D 101 Rev A, 900\_23\_GG\_D 102, 900\_23\_GG\_D 103, 900\_23\_GG\_D 103.1, 900\_23\_GG\_D 104, 900\_23\_GG\_D 105 Rev A, 900\_23\_GG\_D 106, 900\_23\_GG\_D 107, 900\_23\_GG Section A-A (Proposed), Planning Statement (Armstrong Simmonds), CIL Form, Sustainability Appraisal.

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

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

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

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

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

- 4 a) 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).

- 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 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).

- 8 The roof of the rear ground floor projection accessible from the first floor flat hereby approved shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

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

- 9 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
- a) Prior to first occupation of the hereby approved development, a scheme of hard and soft landscaping to the front forecourt area, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, has been submitted to and agreed in writing by the Local Planning Authority.
  - b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
  - c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

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

- 12
- Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. 900\_23GG\_s100 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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

- 13
- 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).

**Informative(s):**

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

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

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

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

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

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

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

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

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to

commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

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

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

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

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

2 In accordance with paragraphs 38-57 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.

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

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

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

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



## **Officer's Assessment**

### **1. Site Description**

The application site is occupied by a large semi-detached dwelling with partial basement area at No. 23 Golders Green Crescent, London, NW11 8LA. The property is served by a large rear garden area, and an outbuilding is located on the rear boundary of the site. This building benefitted recently from consent to convert to a single dwellinghouse (18/3672/FUL). The southern elevation of the existing outbuilding faces onto Golders Way. Golders Way is an access road leading mainly to the rear service areas of commercial properties. No.27 is bordered to the west by a large block of flats, Nedahall Court, and the railway line crosses the road to the north west. Golders Green Town Centre is located close by to the south and Golders Green Crescent is largely residential in nature.

The existing outbuilding is located within the Golders Green Conservation Area and is a locally listed building; however the main dwellinghouse located on the application site is not within the Conservation Area or locally listed.

### **2. Relevant Site History**

Reference: 17/7809/FUL

Address: 23 Golders Green Crescent, London, NW11 8LA

Decision: Refused

Decision Date: 5 March 2018

Description: Alterations to existing outbuilding to facilitate the creation of one new residential unit

Reference: 17/7806/FUL

Address: 23 Golders Green Crescent, London, NW11 8LA

Decision: Withdrawn.

Decision Date: 06.04.2018.

Description: Conversion of existing property including basement excavation with associated light well and ground and first floor extensions to provide 3no additional self-contained flats. Associated refuse and recycling, parking.

Reference: 18/3672/FUL

Address: 23 Golders Green Crescent, London, NW11 8LA

Decision: Approved with conditions.

Decision Date: 13.08.2018.

Description: Conversion of existing single storey outbuilding to 1no self-contained flat with associated extension and alterations. Associated alterations to fenestration including 2no rooflights to rear elevation.. Provision of refuse and recycling storage.

### **3. Proposal**

This application seeks full planning permission for the extension and conversion of the dwelling to form 3 no. residential flats. The extensions would include a small increase to the basement area, the addition of rooflights following the removal of a rear dormer window and an extension at first floor level.

The extension to the basement largely involves further excavation to the existing floor level. The first floor extension would add approximately 15 sq. m of floorspace and would

square off the first floor rear elevation, with a crown roof created above the now flush first floor elevation finish. The first floor extension would be a maximum of approx. 3m wide and 5.4m deep. An existing rear dormer would be removed to accommodate the first floor extension and this would be replaced by side and rear rooflights.

The property would accommodate 3 No. residential flats. One unit would be located between the basement and ground (3 bedroom/5 person), with a 3 bedroom/4 person unit at first floor level and 1 bedroom/1 person flat located in the roof. The basement area would be used for ancillary space to serve the ground floor unit. Parking spaces and refuse facilities would be provided to the front of the property.

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

Consultation letters were sent to 401 neighbouring properties.

6 responses have been received, comprising 6 letters of objection which can be summarised as follows:

- Concern about subsidence from excavation, as there have been previous existing issues.
- Further extensions will block the light to neighbouring flats.
- Further stress on local infrastructure from additional residential units - water, sewerage, electricity, parking stress.
- Change to the character of the area from more flats.
- Increased noise and disturbance from a multi-unit site.

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

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

###### Revised 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 Revised National Planning Policy Framework (NPPF) was published on 24 July 2018. 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 Revised 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 Revised 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 Mayor's 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.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS6, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM06, 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)

- 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, wider locality, adjoining Golders Green Conservation Area;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether an appropriate level of living accommodation would be provided for future residents;
- Parking/highway safety
- Third party representations.

## **5.3 Assessment of proposals**

Impact on character and appearance of the existing building, the street scene, wider locality, the nearby locally listed buildings and the adjoining Golders Green Conservation Area)

The proposed development essentially covers two main aspects, the conversion of the existing building to provide 3 No. residential units and the associated extensions.

From a character viewpoint, the immediate area contains a mix of largely residential units, and this includes purpose built flats and conversion to flat developments. Local policy DM01 (h) guards against the conversion of dwellings into flats on roads characterised by houses, but the immediate area contains a mix, including conversions, and located close to a town centre and sustainable transport options, the general principle of this proposal can be accepted.

The rear of site includes a locally listed terrace building, which benefits from consent to convert to residential. Whilst located on a more minor road (Golders Way), essentially to the rear of retail properties on Golders Green Road, this does not significantly hinder the positive role the building plays in enhancing the general character of the conservation area. Proposed development close to conservation areas should preserve or enhance the special setting (DM06). However the proposed conversion and alterations to No.26 will not infringe on this special setting and the character would be preserved.

The dwelling itself enjoys no additional statutory protection and the external works, largely the removal of a rear dormer to facilitate the rear first floor extension, raises no issues of concern. The existing outrigger on the first floor, adjacent to the adjoined neighbour, would be squared off across the rear elevation and finished with a crown hipped roof. The rear of adjoining neighbours, as with many residential roads in the borough, contains an array of physical alterations, and the introduction of this first floor extension will have limited, visual impact. The proposed development, from a general principle and character perspective, can be justified.

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

The application site is situated in an area of relatively dense development. This includes the purpose built flatted development to the west. Some adjoining neighbours have raised concern that the introduction of a multi-unit residential use at the site would bring with it increased noise and disturbance. However given the mixed residential nature of the area, including the nearby town centre, its rear service road and the railway line to the north west, it is not considered that the incumbent increase in comings and goings would seriously and detrimentally lead to excessive noise and disturbance.

It is further stated that the first floor extension would lead to further loss of light to adjoining flats in Nedahall Court and local policy aims to guard against excessive impacts on the amenity of existing residents from loss of daylight/sunlight, overlooking, overbearing or generally unneighbourly forms of development. Whilst built form on this corner of the building will increase, with the flank wall extending by approximately 5.4m, and there is a slight drop in land levels to Nedahall Court which includes habitable windows in the flank elevation, it is not considered that taken in the context of the existing building (No.26) and first floor rear return, that the increased bulk at first floor level would have serious impact. The new extension would retain a gap of approximately 5.0m to the side elevation of the flats. Whilst some overshadowing when the sun travels behind the extension must be recognised, this would only be for a short period and the existing building/first floor would already cast some shadow. Given the distance between buildings and the existing relationship, it is not considered the increased bulk at first floor would be significantly overbearing or unneighbourly and any impact would not be severely injurious to existing amenity levels. No additional windows above first floor level, save for the rooflight, are proposed in the flank elevation.

Adjoining residents have also raised concern about further excavation and the fear that this will cause subsidence, previous incidences of subsidence have been referred to in correspondence. Any excavation works are relatively minor and within the existing footprint of the existing basement.

It is not considered the proposed works would materially affect the amenity currently enjoyed by neighbouring residents.

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

Floor Area:

The proposal will provide the following development;

- 3 bedroom/5 person Ground floor/basement - 93 sq. m requirement
- 3 bedroom/4 person unit at first floor level - 74 sq. m requirement
- 1 bedroom/1 person flat located in the roof - 39 sq m requirement

Double bedrooms should have a minimum floor area of 11.5 sq. m (at least 2.75m wide) and single bedrooms 7.5sq. m (at least 2.15m wide).

Policy DM02 states that where appropriate development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough.

The ground floor/basement unit meets the internal standards. It is noted that amended plans now indicate that the basement would provide a playroom/utility room and not

primary habitable space as previously proposed. The bedrooms and the living/kitchen/dining area are spacious and the flat also benefits from the basement area.

The first floor unit provides approximately 84 sq. m and the bedrooms and associated rooms are of a suitable size.

The second floor flat has a floor area of approximately 50 sq. m and provides a good sized bedroom.

The proposed units meet the minimum floor area/bedroom size, complies with the minimum space standards as required by the London Plan 2016, and is deemed acceptable.

#### Floor to Ceiling Height:

Table 3.3 of policy 3.5 of the London plan requires a minimum floor to ceiling height of 2.3sqm is required for at least 75% of the gross internal area of a dwelling. A ceiling height of 2.5m for 75% of the unit is encouraged.

The cross section drawing determines a floor to ceiling height of at least 2.3m could be retained over the ground and first floor flats. With regards to the second floor unit, the ceiling height would achieve minimum heights for the majority of the floor area. Furthermore this unit is relatively spacious for a 1 bedroom/1 person unit.

#### Light/Outlook:

Table 2.4 of Barnet's Sustainable Design SPD (October 2016) sets out the minimum glazing requirements for habitable rooms in a new residential unit. It states that glazing to all habitable rooms should not be less than 20% of the internal floor area of the room and the habitable rooms should have an adequate level of outlook.

The alterations to the building include the creation of a large kitchen/dining/living area at second floor level to serve the 1 bedroom unit. This room would be served by three rooflights and the overall glazing area to floor space is approximately 10%. It is accepted that conversions within existing roofspaces can present additional challenges with regards to outlook. The second floor flat would benefit from outlook to the front (bedroom), the rear section served by rooflights is south facing, and a large rear amenity area also exists for future use by residents. The upper floor unit would be more constrained than the units provided on the lower floors but the flat would still achieve a reasonable level of outlook and amenity.

#### Amenity Space:

Table 2.3 of the Barnet's Sustainable Design SPD and the London Plan, 5sqm of useable outdoor amenity space should be provided per habitable room. The conversion of the outbuilding sets aside 40 sq. m private amenity space for future residents of this unit. This would result in approximately 120 sq. m of amenity space for the remaining units. No details of sub-division or a communal arrangement have been provided, but it is considered that a suitable level of amenity space, either private or communal could be provided to serve the three units. The site is also within close proximity of Golders Green Town Centre with an array of facilities and public amenity services.

#### Parking

The plans indicate 2 parking spaces to the front and the site is located close to public transport links and local facilities and has excellent public transport links. The level of parking proposed can therefore be justified at this location.

#### 5.4 Response to Public Consultation

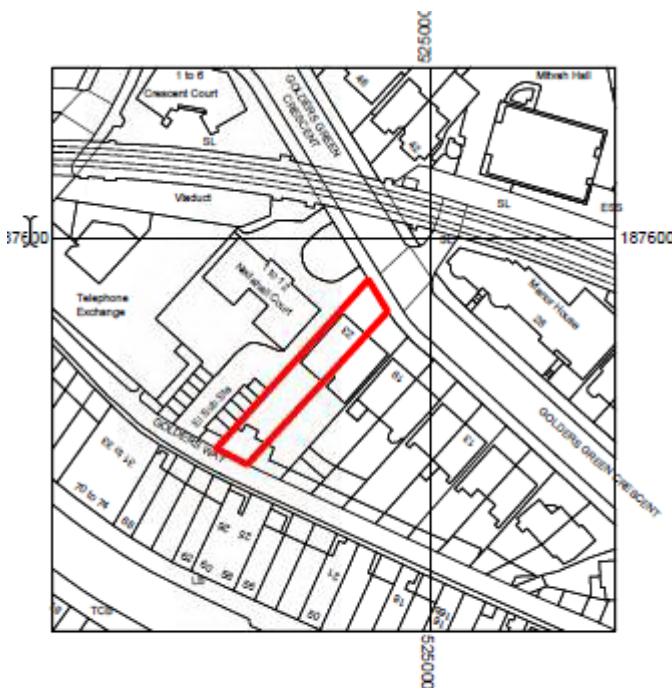
The points raised in third party correspondence have been addressed within the report.

#### 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

In light of the above appraisal, it is considered the proposed development would preserve the existing character of the area, including that of the adjoining conservation area. The amenity of existing residents would not be seriously infringed and the level of accommodation provided for future residents is adequate. It is therefore recommended that consent is granted subject to conditions.



Existing Location Plan (1:1250)

**Location**                               **592 Finchley Road London NW11 7RX**

**Reference:**                           **18/4404/FUL**

Received: 16th July 2018

Accepted: 6th August 2018

**Ward:**                                   Childs Hill

Expiry 1st October 2018

**Applicant:**                           Mr Sunil Kapoor

**Proposal:**                           Erection of a single storey detached building for use as a physiotherapy and pilates studio ancillary to main building

**AGENDA ITEM 10**

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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: 1712-100 Rev D, 1712-101 Rev D, 1712-200 Rev C, 1712-300 Rev D, 1712-301, Design and Access Statement dated 7/12/2018.

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 2015.

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

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

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

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

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

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

- 6 The outbuilding hereby approved shall only be used for purposes ancillary to the existing physiotherapy centre. Access to the main building from the outbuilding shall be maintained and kept free from obstruction.

Reason:

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced.

- 7 The hereby approved planning permission shall allow the premises to operate from 8 am to 6 pm Monday to Friday, 8 am to 1 pm on Saturdays and remain closed on Sundays, Bank or Public Holidays.

Reason:

To safeguard the amenities of occupiers of surrounding residential properties.

- 8 The hereby approved planning permission together with the main premises at 592 Finchley Road shall be occupied by a maximum of three employees only.

Reason:

To safeguard the amenities of occupiers of surrounding residential properties.

- 9 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
  - ii. site preparation and construction stages of the development;
  - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
  - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
  - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
  - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
  - vii. noise mitigation measures for all plant and processors;
  - viii. details of contractors compound and car parking arrangements;
  - ix. details of interim car parking management arrangements for the duration of construction;
  - x. details of a community liaison contact for the duration of all works associated with the development.
- b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

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

- 10 The level of noise emitted from any plant 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.

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

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2015.

**Informative(s):**

- 1 The plans accompanying this application are: 1712-100 Rev D, 1712-101 Rev D, 1712-200 Rev C, 1712-300 Rev D, 1712-301, Design and Access Statement dated 7/12/2018.
- 2 In accordance with paragraphs 38-57 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.
- 3 The applicant is advised that due to location of the site, deliveries during the construction period should not take place between 0800 hrs - 0930 hrs and 1630 hrs - 1800 hrs. Careful consideration must also be given to the optimum route(s) for construction traffic and Development and Regulatory Services should be consulted in this respect.



## **Officer's Assessment**

### **1. Site Description**

The application site is a three storey semi-detached property located on the eastern side of Finchley Road. The ground floor floor is used as a Pilates centre and the upper floors are in residential use. The property was converted from a residential property to a physiotherapy centre in 1999.

The character of the area comprises a mix of residential, commercial and retail uses and the character of surrounding properties is varied in terms of design. No. 594 adjoins the semi-detached property of the application site and benefits from a large garden and rear conservatory sited along the boundary with the application site. No. 590 is detached from the application site, and is located to the south of the site.

The rear wall of the site forms part of the boundary wall that encloses Sainsbury's car park. Neighbouring properties have been extended, no. 590 to the south of the site has ground floor rear extensions and an outhouse at the rear boundary. No. 594 has a single storey rear conservatory adjacent to the shared boundary with the application site.

The application site is not located within a conservation area and nor does it contain a listed building.

### **2. Site History**

Site Address: 592 Finchley Road LONDON NW11

Application Number: C13830

Application Type: Full Application

Decision: Approve with conditions

Decision Date: 22/11/1999

Proposal: Change of use from a dwellinghouse to a physiotherapy health centre with ancillary offices and consultation room, and a self-contained one bedroom flat at second floor level. Parking provision for three.

Site Address: 592 Finchley Road London NW117RX

Application Number: C13830D/04

Application Type: Full Application

Decision: Refuse

Decision Date: 28/01/2005

Appeal Decision: Dismissed

Appeal Decision Date: 28/01/2005

Proposal: Variation of Condition 5 of Planning Permission C13830 to allow only 4 consultants to practice at the premises at any one time and Condition 6 "No work shall be carried out on the premises at any time on Sundays or Public Holidays and before 8:00am or after 8:00pm on Monday to Friday and 8:00am to 1:00pm Saturdays". Addition of two off-street car parking spaces.

Site Address: 592 Finchley Road London NW117RX

Application Number: C13830F/07

Application Type: Advertisement

Decision: Approve with conditions

Decision Date: 16/03/2007

Proposal: Erection of advertisement boards and installation of ground lights in front forecourt.

Site Address: 592 Finchley Road, London, NW11 7RX

Application Number: F/00785/09

Application Type: Full Application

Decision: Approve with conditions

Decision Date: 21/04/2009

Proposal: Single storey building to rear of garden for use as a physiotherapy/fitness building in conjunction with the main building of 592 Finchley Road.

Site Address: 592 Finchley Road, London, NW11 7RX

Application Number: F/03318/09

Application Type: Full Application

Decision: Refuse

Decision Date: 30/10/2009

Proposal: Single storey building to rear of garden for use as a physiotherapy/fitness building in conjunction with the main building of 592 Finchley Road.

Site Address: 592 Finchley Road, London, NW11 7RX

Application Number: F/02118/10

Application Type: Full Application

Decision: Withdrawn

Decision Date: 05/07/2010

Proposal: Single storey building to rear of garden for use as a physiotherapy/ Pilates building in conjunction with the main building of 592 Finchley Road, including associated alterations to garden and new access ramp.

Site Address: 592 Finchley Road, London, NW11 7RX

Application Number: F/02971/10

Application Type: Full Application

Decision: Approve with conditions

Decision Date: 20/09/2010

Reference: 16/6992/FUL

Address: 592 Finchley Road London NW11 7RX

Description: Conversion of first floor into 2no self-contained flats. Associated parking, refuse store, cycle store and amenity space

Decision: Approve subject to conditions

Decision Date: 24.02.2017

Site Address: 592 Finchley Road LONDON NW11

Application Number: F/03977/12

Application Type: Full Application

Decision: Approve with conditions

Decision Date: 07.01.2013

Proposal: Single storey building to rear of garden for use as a physiotherapy/fitness building in conjunction with the main building of 592 Finchley Road.

Site Address: 592 Finchley Road LONDON NW11

Application Number: 17/7949/FUL

Application Type: Full Application

Committee Decision: Refuse

Decision Date: 11.04.2018

Proposal: Erection of a single storey detached building for use as a physiotherapy and pilates studio ancillary to main building

### **3. Proposal**

#### **Background**

This item follows a previous scheme approved by the Committee in 2013. This permission was not implemented. In 2017 a new application was submitted which was similar in nature to the 2013 scheme, this was considered by the Committee and was refused for the following reason:

"The proposed outbuilding by reason of its size, design, siting and proposed use would result in harmful noise and disturbance from associated general activity, resulting in a harmful loss of residential and visual amenity to neighbouring occupiers including the upper flats. The proposals would be contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012. "

The application is now subject to a planning appeal to the Planning Inspectorate reference APP/N5090/W/18/3204246.

The proposed development is for a single storey outbuilding to be used as a Physiotherapy and Pilates studio ancillary to the D1 physiotherapy use of the ground floor of the building.

The proposed building would be accessed through a side pathway that would lead through the rear garden to the outbuilding. This would enable access to specialist facilities for people with disabilities including those that are wheelchair users. A ramp is proposed with a gradient of 1:12.

The main differences between the current proposal and the refused scheme reference 17/7949/FUL may be summarised as follows:

- o The ridge height is reduced 150mm from 3000mm to 2850mm above external ground levels
- o The pitched roof is simplified to a simple mono pitch and the proposed pitch is shallower than previous by 0.5 degrees.
- o External cladding material is amended from blackened timber cladding to oak cladding
- o The footprint is the same as in the previously approved and refused schemes. The proposed outbuilding will consist of the following dimensions, 4.6m deep x 9.8m wide x 2.4m to eaves x 2.85m high from existing ground level incorporating a mono pitched roof which is shallower. The previous approval in 2013 was 10m x 4.5m x 2.6m to a flat roof.

#### **Proposal**

The erection of a single storey detached building for use as a Physiotherapy and Pilates studio ancillary to the D1 physiotherapy use of the ground floor of the building.

The proposed single storey outbuilding would be 4.6m deep x 9.8m wide x 2.4m to eaves x 2.85m high with a simple mono pitched roof. The proposed outbuilding is located approximately 7.5m from the rear elevation of the host property. It would be set in 0.8m from the rear boundary of the of the site that enclose Sainsbury's car park and set in 1m from the shared boundary with no 594 to the north and 590A to the south.

The main house is accessed via stepped access to the main entrance although it is not accessible for wheelchair users. The proposal results in a new access along the southern boundary of the site via a ramp, railings and facing low level masonry wall enclosing pavers which provides direct access for wheelchairs and users of the site into the outbuilding. In addition there is adequate turning around space and sufficient ability to manoeuvre inside the building. The building will accommodate a disabled toilet, store and pilates studio and the footprint of the building will occupy approximately 45sqm and an internal footprint of approximately 35sqm. There will be four rooflights above providing light into the pilates studio.

The principal elevation of the building will include four large powder coated aluminium framed window set and one glazed door. The external cladding material is amended from blackened timber cladding to oak cladding. There would be landscaping and proposed planting within the existing garden and near to the front elevation of the building and along the northern boundary of the site, on the shared boundary with no 594 Finchley Road.

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

118 consultation letters were sent to neighbouring properties.

A site notice was erected on 16/08/2018

6 objections received and summarised as follows:

- Increase traffic problems, parking problems, loss of the rear garden, cause major pollution and environmental implications
- The building is too big and the height of the building will cast a shadow over our garden, no details on the proposed materials, access arrangements and usability for wheelchair users
- Commercial development to be sited in a residential area is inappropriate and the building on the rear garden gives rise to flooding concerns
- No amenity space for the self-contained one bedroom flat at second floor level.

Environmental Health officer:

Considered that the noise impact on neighbours from people visiting will not be significant. No objection subject to conditions.

Highways officer:

"The site has a PTAL of 6a (good/excellent) with bus, train, tube and tram available within the PTAL calculation area, it is also located within a designated town centre area and Golders Green controlled parking zone.

There are parking spaces available at the front of the existing property, one of these spaces will be dedicated for the use of future clients. This is thought to be a suitable arrangement to mitigate over spill parking from the use of the proposal.

The above application does not constitute an intensification of use.

The proposals will not generate a significant negative impact on the performance and safety of the surrounding highway network or its users, as such a recommendation for approval is supported".

#### **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 24 July 2018. 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, CS7, CS9, CS11, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM13, DM17.

### Residential Design Guide October 2016

#### Supplementary Planning Documents

##### Residential Design Guidance (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.

### **5.3 Assessment of proposals**

The main issues for consideration in this case are:

Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal  
The living conditions of neighbouring residents

### **5.3 Assessment of proposals**

#### The Principle of the development

The existing property is already in use as a physiotherapy and pilates studio. The principle of a studio for these purposes has previously been approved on the site in 2013 and has lapsed. It is not considered that there have been any changes in policy or circumstance on the site which would warrant taking a different view today.

#### Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal

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 of the Development Management Policies (Adopted) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

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

The council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene. Developments both individually and cumulatively can have a profound effect on the appearance of

neighbourhoods and of the street scene and on the amenities enjoyed by the occupiers of adjoining properties.

All developments should reflect the design of the original building, have regard to the character of the area and amenity enjoyed by your neighbours. This means making sure the development does not disrupt the neighbours' enjoyment of their own home, garden or neighbourhood.

The proposed single storey outbuilding would be 4.6m deep x 9.8m wide x 2.4m to eaves x 2.85m high with a simple mono pitched roof. The proposed outbuilding is located approximately 7.5m from the rear building line of the host property. It would be set in 1m from the rear boundary of the site that enclose Sainsbury's car park and set in 1m from the shared boundary with no 594 to the north and 590A to the south. It must be acknowledged that the Committee had previously approved a similar sized scheme in January 2013, planning reference F/03977/12. The dimensions for the proposed outbuilding which the Committee had approved were 9.6m wide x 4.2m deep x 2.5m high with a flat roof and are marginally smaller than the current proposed dimensions for the current planning application.

The proposal would be of a comparable size to the scheme previously approved at the 2013 Committee and the refused scheme in 2017. Given that the proposal is similar to a previously approved scheme in 2013, and the fact the proposed changes are minimal in nature it is considered acceptable on character and design grounds. Further details can be secured by way of condition.

Taking the above into consideration it is not considered that the proposals would harm the character and appearance of the general locality.

#### The impact on the living conditions of neighbouring occupiers

The site is located on Finchley Road which is a busy arterial road. Both neighbouring properties are in residential use as converted flats. To the rear of the site is Sainsbury's car park.

It is considered that the size, location and design would not cause undue overshadowing to gardens of neighbouring properties. Outbuildings are common features within the immediate locality and this outbuilding would not appear alien. The outbuilding will be visible from the supermarket car park to the rear of the site, however the impact will be minimal and not significant enough to warrant refusal.

The proposals would seek to introduce an outbuilding to the rear of the site as a pilates/physiotherapy studio to complement the existing use. Such a use, by its nature is likely to generate a degree of activity. The size of the outbuilding is limited and comparable to previous applications approved on the site. It would also be a comparable distance from the main building, being approx. 8m from the rearmost part of the main building.

It is considered that the outbuilding and use if mitigated appropriately will not have a significant impact on the residential amenity of the occupiers of neighbouring properties. It is considered that the use would not result in noise and disturbance harmful to the amenities of neighbouring occupiers. In addition, opening hours, numbers of employees, would be conditioned to mitigate any noise and disturbance, similar to the original permission on the site. The application describes the use of building as a supplementary facility to the existing health and fitness centre. The application will be conditioned to

ensure this use is maintained. This includes limiting the number of employees to no more than 5 and to limit hours of opening.

Taking the above into consideration it is not considered that the proposals would cause harm to neighbouring living conditions.

#### The impact on Highway and Pedestrian Safety

The proposal is for the construction of a single storey outbuilding to the rear of the site for use as a physiotherapy and pilates studio. No changes to car parking provision (5 spaces) as well as vehicular access are being proposed. Proposed staff numbers are to be 2x full-time staff and 1x part-time staff.

The site lies within a PTAL 6a site which means that there is excellent public transport accessibility to and from the site.

Due to the site where the proposal is located, a Construction Management Plan will be required in order to ensure minimum disruption to local residents and to maintain the free flow of traffic in the area.

Cycle parking and cycle storage facilities should be provided in accordance with the London Borough of Barnet's Local Plan, in the interests of promoting cycling as a mode of transport.

The proposal is acceptable on highways grounds.

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

The principle of the development has been agreed in the previously approved application in 2013 and it is considered that there have not been any changes to policy or circumstance that warrant taking a different view. Several of the objections raised are similar to those which had been raised for the recently refused Committee case in 2017. Those replies are reiterated again below.

In regards to the objections made about the alleged environmentally sensitive location, officers have visited the site and there is no evidence of any protected species. The site is not located within an area of ecological designation. The LPA have considered the matter but do not feel there is evidence to support a refusal on ecological grounds.

There is no need for the outbuilding - *There is not a policy that requires medical facilities to demonstrate a need*

Until last year the first floor was used as a pilates studio and has been converted into part of an additional flat. Why would they downsize if they have enough clients? - *The loss of the first floor was addressed in application reference 16/6992/FUL which is quoted below:*

*'The first floor of the property on the application site is currently occupied by a Pilates Centre and a beauty salon. The applicant confirmed that the Pilates Centre would continue to operate on the application site, but it would be downsized and it would operate just on the ground floor. The beauty salon would cease to operate on the application site. A beauty salon is a Sui Generis use and Barnet's Development Management Policies (2012) contains no policy specifically relating to the protection of Sui Generis uses. The beauty salon is not considered to be a community facility so it is not protected under policy DM13.*



*For these reasons it is considered that on balance the benefits of the gaining of 2 no. flats on the application site outweigh the loss of the beauty salon and the downsizing of the Pilates Centre.'*

*The room does not need to be this high - The height of the building is acceptable in its own right*

*A smaller building was refused under reference F/03318/09. - As amended the proposals would be significantly smaller than the 2009 scheme*

*Building will be let as a flat - As a matter of fact, planning permission has not been sought for a flat. Therefore this cannot be considered. Specific planning permission would be needed for use of the outbuilding as a flat*

*There is no amenity space for the users of the upper floor one bed flat- The decision notice did not attach a condition to provide for amenity space for the occupiers of the one bed self contained unit and this cannot be considered relevant, planning reference C13830.*

*Noise Issues - Assessed in main report. It is considered that any harmful impact can be satisfactorily mitigated by planning conditions*

*Lack of Parking - Assessed in main report*

*Loss of light - The outbuilding has been reduced in size and height. It is now considered acceptable in terms of the impact on neighbouring light*

## **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, this proposal complies with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.



Location Plan 1:1250

**Location** Rear Of 147 Cricklewood Lane London NW2 2EL

**Reference:** 18/3403/FUL

Received: 4th June 2018

Accepted: 6th June 2018

**Ward:** Childs Hill

Expiry 1st August 2018

**Applicant:** Mr Ashton

**Proposal:** Erection of a single storey dwelling. Associated refuse/recycling store, cycle store

AGENDA ITEM 11

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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:

4101-X.01A

4101-X.0.3A

4101-X.04A

4101-P.03A

4101-P.06A

4101-P.10A

4101-P.11A

4101-P.20

4101-P.21

Design and Access Statement (dated 4.10.2018)

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 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.

- 4 The materials details shall be provided in accordance with the submitted planning application; untreated larch wood cladding.

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.

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

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

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

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

- 6 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).

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

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

- 8 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.

- 9 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.

- 10 The development hereby approved shall not be occupied until the existing redundant crossover(s) is reinstated to footway level in accordance with the approved details by the Highway Authority at the applicant's expense.

Reason: To ensure that the redundant crossover does not prejudice the safety pedestrians in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 11 Before the development hereby permitted is occupied cycle parking spaces shall be provided in accordance with the London Plan Cycle Parking Standards and shall not be used for any purpose other than parking of cycles in connection with the approved development.

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

- 12 Prior to occupation of the development refuse and recycling facility shall be provided in accordance with the submitted planning application.

Reason: In the interest 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.

- 14 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 contractor's compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.

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

- 15 The premises shall be used as a residential dwelling house (Class C3) and for no other purpose (including any other purpose in Class C of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

- 16 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 2016.

- 17 a) Prior to the first occupation of the hereby approved development, details of the proposed green roof have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

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

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

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

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

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



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

#### Relief or Exemption from CIL:

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

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

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

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

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

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

3 Any works on public highway such as reinstatement of the existing crossovers to footway level, provision of a new crossovers or an access off the public highway and relocation of street furniture including lighting columns to facilitate the development would need to be carried out by the Council's term contractors at the applicant's expense.

This proposal may also impact on existing on-street Controlled Parking Bays. Any alterations to on-street parking bays will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process.

Works on public highways to facilitate the development will be carried out under the S278 Agreement of the Highways Act 1980 or can be charged under a rechargeable works agreement.

Please Note: A maximum width of a crossover allowed from a public highway is 4.8 metres.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

- 4 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 5 The costs of any associated works on the public highway, including reinstatement works, will be borne by the applicants and will require the Applicant to enter into a rechargeable agreement or a 278 Agreement under the Highways Act 1980.
- 6 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](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto: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.

- 7 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.



## **Officer's Assessment**

### **1. Site Description**

The application site is located to the rear of 147 Cricklewood Lane which sits at the junction of Cricklewood Lane and Greenfield Gardens. The main property is listed on the council tax records as a 2.no unit flat, although planning permission for this conversion cannot be found.

The plot of land which is the subject of this application is an underutilised and poorly maintained area of hardsurfacing which forms the designated amenity space for 147. The site is surrounded by wooden fencing which provides screening from Greenfield Gardens which runs along the application sites western boundary and contains some overgrown shrubbery. The site is served by an existing dropped curb on Greenfield Gardens. To the rear of the proposed plot is a conventional row of front facing detached properties. The site currently has been fenced off from 147, with a small amount of amenity space allocated for the main dwelling on Cricklewood Lane.

### **2. Site History**

Reference: C15697B/07

Address: 147 Cricklewood Lane, London, NW2 2EL

Decision: Refused

Decision Date: 1 August 2007

Description: Erection of two storey detached house

Reason 1: The proposed building would, by reason of its size, height, siting, and design on this restricted site, be out of character with the surrounding properties and result in a visually obtrusive form of development which would detract from the character and appearance of the area.

Reason 2: The proposed would, by reason of its height, bulk, size and siting, result in a poor form of development to the detriment of the amenity of the existing surrounding occupiers and future occupiers of the proposed units.

### **3. Proposal**

This application seeks consent for the erection of a single storey dwelling, with associated refuse/recycling store, cycle store.

### **4. Public Consultation**

Site Notice: 14th June 2018

119 consultation letters were sent to neighbouring properties.

9 objections have been received

The views of objectors can be summarised as follows;

- Loss of privacy
- Loss of light
- Loss of views of trees
- New building will not be used as residential premises
- Noise and disturbance from visitors to the site

- Impact on parking
- Smell of recycling will encourage pests
- Noise from plant
- Overlooking
- Unacceptable high density
- Garden grabbing
- Visual impact
- Out of character
- Bulk, mass, materials and detailing of building
- Overbearing development
- Out of scale
- Site should be left as garden and container removed

Internal / other consultations:

Highways: The proposed development without any parking provision would be acceptable subject to a S106 Agreement exempting the occupiers of the new development from purchasing Parking Permits.

## **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 updated 2018. 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, CS4, CS5, 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 (2016)  
Sustainable Design and Construction SPD (2016)

## **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**

### 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.

The proposal is for a single storey, fully accessible one-bedroom house with an L-shaped layout and flat roof, concealed behind a 2m high timber clad wall that aligns and reads with the adjoining fence along the boundaries to the street and adjoining properties. The finished floor level of the house is set one metre below adjoining ground and street level. An extensive Lindum green sedum roof is proposed, minimising the visual impact to neighbouring properties, slowing rainwater runoff and improving biodiversity.

Since the original submission the scheme has been amended to show it stepped further away from the shared boundary with 147 Cricklewood lane by approximately 2.3m; this will allow for greater outlook for the neighbours whilst not harming the internal space of the new dwelling.

A gate from the Greenfield Gardens frontage leads from the pavement into a linear courtyard garden with a gentle ramp down to the lowered ground level, which provides a courtyard mostly paved with York stone with a flowering almond tree at one end by the entrance and honeysuckle climbing the timber lined perimeter walls from small plant beds along the base.

#### Impact on the character of the area

It is considered that the location of the application site along Greenfield Gardens displays a different character of many of the surrounding suburban residential streets with an existing crossover and gate present; the uses of buildings in the surrounding area including school and doctors surgery do not follow a strict pattern of development with clear front and rear building lines.

The proposed dwelling would represent an increase to the density of development on the site, however, given the mixed character at this point of the street with converted dwelling house to the front, health centre opposite and traditional semi-detached dwelling houses along Greenfield Gardens, it is considered that the one-bedroom single unit will not give rise to any detriment to the character of the local area.

#### Design

In respect of design and appearance, planners acknowledge that the proposed design is more modern when compared to surrounding buildings. However, as this area is not a conservation area and there is a range of architectural styles to be found in the area, there is no in principle objection to this approach as some evolution of the areas character is to be expected.

The proposed larch timber cladding as facing material for the development are considered to provide an interesting development and will not appear out of character with other garden buildings in neighbouring sites.

#### Height, scale, bulk and massing

Given the proximity of neighbouring residential properties to the application site, great care was taken to ensure that the proposed development does not result in any loss of visual amenity to neighbouring occupiers.

This has been achieved by creating a detached, single-storey, flat roofed property which sits down from the external ground level by 1m to ensure at ground level it is not visible above the timber fencing, which has a height of 2m. As the proposed development is shown to be no taller than the boundary fence; it will not be visible and therefore not considered to be harmful to the established residential character and pattern of development. The dwelling has been designed in a way so as not to be visible from the streetscene but hidden behind the fence line.

#### Quality of accommodation for future occupants

The development is for a one-bedroom, two persons, detached single storey dwelling house. The London Plan (2016) and Barnet's policies and Sustainable Design SPD (Oct 2016) do not specify a minimum internal floor area for a property of this type but given the requirement for a one-bedroom, two-person flat is 50sqm and the current scheme

proposes an internal floor area of 62m<sup>2</sup>; this is considered to provide adequate internal space for future occupiers.

#### Outlook:

All habitable rooms would benefit from sufficient outlook to meet the requirements of Policy DM01. Large windows are provided for the proposed habitable rooms affording views into the enclosed courtyard.

#### Garden:

Barnet's Sustainable Design and Construction SPD (2012) makes reference to private outdoor amenity space. In this case 40m<sup>2</sup> of useable external amenity space is required and the scheme exceeds this by 10m<sup>2</sup> by proposing 50m<sup>2</sup> of enclosed amenity space for future occupiers.

#### Impact on neighbouring occupiers

Given the single storey nature of the proposed development, which is shown to sit below the existing fence level, it is not considered that the scheme will be readily visible from outside the site, certainly at ground level views of the development will not be possible. From the upper floors of neighbouring properties, a single storey, timber building will be visible, but this can be compared to an outbuilding. In addition, a green roof is proposed on the building to soften its appearance.

Although this type of development would not be considered acceptable in many locations within Barnet, the specific circumstances noted above are considered to warrant a recommendation for approval in this site specific case. The proposed building is not considered to harm the character of the street scene by virtue of the fact that it will be concealed from the street and it is not considered to harm the amenities of neighbouring occupiers.

#### Highways and parking

Any proposal for this site will need to demonstrate that it has complied with the relevant development plan policies in respect of parking and highway related matters (for example policy DM17 of the Barnet Local Plan).

The proposal is for the erection of a single dwelling comprising one-bedroom unit. No parking is being provided. 1 cycle parking space is proposed.

For the proposed development, a parking provision of between 0 to 1 parking spaces would need to be provided to meet the parking standards as set out in the Barnet Local Plan Development Management Policy DM17 approved in September 2012.

The proposed development is within a PTAL rating of 3 which would require parking provision of 0.6 parking space.

However, taking into consideration the following factors:

- o The site is located within a walking distance of a town centre location and close to local amenities;



- o The site has a Public Transport Accessibility (PTAL) score of 3 which is considered as a medium accessibility;
- o The site is located within a Controlled Parking Zone (CPZ) operating from Monday to Friday 10am to 11am.

The proposed development without any parking provision would be acceptable subject to a S106 Agreement exempting the occupiers of the new development from purchasing Parking Permits.

A contribution of £2022 would be required towards the amendment of the Traffic Order to facilitate the above.

#### Vehicular Access:

The existing redundant vehicular access is proposed for reinstatement which will require the applicant to submit a separate application to the highway authority under S184 of the highways act 1980.

#### Refuse Collection Arrangement:

The refuse and recycling facility shall be provided in accordance with the submitted planning application. A designated area has been allocated that is considered to be appropriate.

#### Recommendation:

The proposal is recommended for approval subject to a S106 Agreement exempting the new occupiers of the proposed development from purchasing parking permit of the new residential development and the following conditions.

The Highways department have reviewed the submitted information and raise no objection to the proposals subject to the suggested conditions and informatives.

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

The concerns raised that the proposed development will result in a loss of light, privacy and give rise to overlooking and obscure views of trees are noted; however, it is considered that the single storey nature of the development will not give rise to any loss of amenity to neighbouring occupiers.

The comment made that the new building will not be used as residential premises and will result in noise and disturbance from visitors to the site is noted, but there is no indication that this is the case as the application is for new dwelling house rather than new business; a condition is suggested ensuring the development remains as a residential premise.

Concern is raised that the proposed development will have an adverse impact on parking, however, the Council's Highways department have reviewed the scheme and raise no objection subject to conditions and a S106 agreement which will prevent future occupiers from obtaining parking permits, as such it is not considered that the proposed development will give rise to increased pressure on existing parking spaces.

One comment has been made that the smell of recycling will encourage pests, however, it is not considered that the single-family dwelling house will produce additional recycling

above and beyond any other property that would be harmful to the amenities of neighbouring occupiers.

The concerns raised that the proposed development will result in unacceptable noise from plant is noted, however, there is no plant proposed as part of the scheme and therefore this is not possible.

It is considered by objectors that the proposed development results in unacceptable high density on the site is noted, however, the proposal is just for one dwelling house with only one household and therefore not considered to be unacceptable in density terms.

The objections that the scheme results in garden grabbing is noted, however, it is considered that as the site is located along a street frontage allowing direct easy access from the public realm into the application site there is a case to be made that this is an acceptable development site.

The concerns raised regarding the visual impact of the development, its overbearing appearance and being both out of character and scale, along with the concerns of bulk, mass, materials and detailing of building are noted. Given the modest, single storey nature of the proposed development which has been designed to sit below the existing fence line it cannot be considered to be overbearing or too bulky. Matters relating to its character are covered in the above report.

The comment made that the site should be left as garden and container removed is noted, however, this is not a material planning consideration and not under the control of the Council.

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

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

## **7. Conclusion**

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



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**Location**                    **1-5 Princes Parade, Golders Green Road And 1 - 3 Heather Gardens London NW11 9HS**

AGENDA ITEM 12

**Reference:**                **18/2492/FUL**

Received: 24th April 2018

Accepted: 1st May 2018

Ward:                        Golders Green

Expiry 31st July 2018

Applicant:                 Mr A LANGBERG

Proposal:                    Demolition of remaining fire-damaged buildings at 1-3 Heather Gardens; erection of a part-3 to part-5 storey building over a basement and comprising 29 flats with private and communal amenity space; 1058m<sup>2</sup> A1 retail floor space and ancillary storage at ground and basement levels; provision of 4 parking spaces and 49 cycle parking spaces; and provision of refuse storage facilities

**Recommendation:** Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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;
3. Affordable housing contribution of £35,000.
4. Submission of Residential Travel Plan
5. Monitoring of legal agreement (£1,575)

#### RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director – Planning and Building Control or Head of Strategic Planning approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director – Planning and Building Control or Head of Strategic Planning:

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

11186 - 01 D (1 to 5 Princes Parade: Existing Floor Plans (Demolished))  
11186 - 02 A (1 to 5 Princes Parade: Existing Elevations (Demolished))  
11186 - 03 A (1A Heather Gardens: Existing Floor Plans & Elevations (Demolished))

11186 - 05 (1 & 3 Heather Gardens: Existing Floor Plans & Elevations)  
11186 - 04 (Existing Site Location Plan)  
11186 - 06 A (1 to 5 Princes Parade & 1A to 3 Heather Gardens: Extg Block Plan & Elevations)  
11186/ 07 D (Proposed Block Plan & Basement Level Plan)  
11186/ 08 C (Proposed Ground Floor Plan)  
11186/ 09 D (Proposed First Floor Plan)  
11186/ 10 B (Proposed Second & Third Floor Plan)  
11186/ 11 B (Proposed Fourth Floor & Roof Plans)  
11186/ 12 C (Proposed Front (Golders Green Road & Heather Gardens) Elevations)

11186/ 13 D (Proposed Section AA & BB)  
11186/ 14 C (Proposed Elevations & B Materials Palette)

Air Quality Assessment  
Daylight and Sunlight Assessment  
Design and Access Statement  
Financial Viability Assessment  
Flood Risk Assessment  
Noise Impact Assessment  
Planning Impact Assessment  
Retail Impact Assessment  
Site Waste Management Plan  
Sustainable Drainage System Assessment Form  
Sustainability & Energy Statement  
Transport Assessment  
Utilities Statement

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

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

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

3 a) No development 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.

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

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

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

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 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.

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.

- 7 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

The scheme shall be based upon the principles within the agreed [1868\_FRA\_SWMS\_Princes Parade\_London\_[Jul18]\_Rev3] prepared by Herrington Consulting Limited dated July 2018.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed development.

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

This sound insulation shall ensure that the levels of noise generated from the A1 use; as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

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

- 9 a) Before development commences, an air quality assessment report written in accordance with the relevant current guidance shall be submitted to and approved by the Local Planning Authority. The report shall include an assessment of the air quality impacts of the demolition, construction and operational phases of the development.

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).

- 10 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 from the A1 use, 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 October 2016) and Policy 7.15 of the London Plan 2016.

- 11 a) No development other than demolition works shall commence on site in connection with the residential use of 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 from the residential use, 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 October 2016) and Policy 7.15 of the London Plan 2016.

- 12 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).

- 13 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.

- 14 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 prior to the occupation of the hereby approved development.
- 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.

- 15 Prior to the erection and installation of photovoltaic panels, details of the size, design and siting of all photovoltaic panels to be installed as part of the development shall be submitted and approved in writing by the Local Planning Authority. Calculations demonstrating the additional carbon emission reductions that would be achieved through the provision of additional panels shall also be submitted. The development shall be carried out and constructed in accordance with the approved details.

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

- 16 Glazing and ventilation materials for residential uses are to be submitted and approved by the LPA prior to commencement of the residential use to which they relate in order that the LPA can ensure the glazing and ventilation specification meets relevant internal and external noise levels as set out in Acoustic Report by WSP, No: . AC01 dated March 2018."

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

- 17 Before the permitted development is occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and agreed by the Local Planning Authority.

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

- 18 The level of noise emitted from the ventilation/ extraction plant for the residential use 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.

19 a) Prior to the first occupation of the hereby approved development, details of the proposed green roofs have been submitted to and approved in writing by the Local Planning Authority.

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

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

20 Before the building hereby permitted is first occupied, in addition to the windows identified for obscure glazing on drawing nos. 11186/ 09 D, 11186/10 B and 11186/ 11 B, all the windows on the first and second floors along the south-western elevation facing No.5 Heather gardens shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

21 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. 11186/ 08 C shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2016.

22 The retail use hereby permitted shall not be open to members of the public before 07:00 or after 11:00 on weekdays and Saturdays or before 09:00 or after 22:00 on Sundays and Bank and Public Holidays.

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

23 No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 07:00 am or after 22:00pm on any other day.

Reason: To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day.

24 Other than the green roof garden on the fourth floor, no other flat roofed element of the development hereby permitted shall at any time be converted to or used as a

balcony roof garden or similar amenity or sitting out area and shall only be used in connection with the repair and maintenance of the building.

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).

- 25 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).

- 26 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

- 27 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.

- 28 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) and the three units (flats 8, 16 and 22) identified shall be constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 29 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 35.48% 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.

- 30 The level of noise emitted from the ventilation/ extraction plant from the A1 use 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 2011.

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

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

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

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

- 32 Prior to installation, details of the boilers shall be forwarded to the Local Planning Authority for approval. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%).

Reason: To comply with the London Plan's SPG on Sustainable Design and Construction and Policy 7.14 of the London Plan in relation to air quality.

- 33 The development hereby approved shall be implemented and carried out in full accordance with the information in the approved Waste Management Plan, WYG (dated March 2018) and be managed in accordance with this document in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14

of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2016).

- 34 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).

### RECOMMENDATION III:

- 1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 31 January 2019, unless otherwise agreed in writing, the Service Director for Planning 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 provision of affordable housing. 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 April 2013).

### Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

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



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

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

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

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

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

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

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

3 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

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

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

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

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

5 The Air Quality reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

For developments that require an air quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance : 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, Jan 2017); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007); 5) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014); 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance London Councils, 2006; 8) The Control of Dust and Emissions during construction and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April

2014 and 10) Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014

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

6 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.
- Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- 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.
- For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
- 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.

The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

7 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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

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

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

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

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

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

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

- 9 As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-nearor-diverting-our-pipes>.

We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk

Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)."

The proposed development is located within 15m of our underground waste water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-largesite/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewaterservices>

Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided

- 10 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

## **Officer's Assessment**

### **1. Site Description**

The site is located on the corner of Golders Green Road and Heather Gardens, within the ward of Golders Green. The site includes Nos. 1-5 Princes Parade, 1A Heather Garden/ Heather House and 1 & 3 Heather Gardens.

The site suffered extensive fire damage in June 2017 which resulted in the demolition of Nos. 1-5 Princes Parade and 1A Heather Gardens.

Previously Nos. 1-5 Princes Parade was a two-storey building fronting on to Golders Green Road. The parade consisted of a mix of retail units (supermarket and post office) on the ground floor, with twelve residential studios and small office suites on the upper levels. The residential units were accessed from an external staircase at the rear of the site.

1A Heather Gardens/ Heather House was a three-storey former commercial building which had been converted into 11 residential units under Prior Approval application ref: F/00443/14. The ground floor contained ancillary retail storage for Kay's supermarket.

The only currently remaining part of the site is 1 & 3 Heather Gardens, comprising of a pair of semi-detached properties. No.1 is currently vacant but comprised of 2 self-contained flats, while No.3 is a single-family dwelling.

This part of Golders Green Road consists of a mixture of commercial and residential buildings of varying styles, heights and footprints. Princes Parade continues to the north on the opposite side of Heather Gardens, although has a different built form and design to the previous existing building. There are large residential blocks in close proximity to the south and further north along Golders Green Road. Immediately adjacent to the south is a four-storey residential building (Windsor Court), a three-storey purpose built residential block (Phildor Court) lies opposite, as well as a large vacant site (Nos. 290-294) which has planning permission for the erection of a part two to part six-storey building providing 60 flats (ref: 16/3806/FUL). Heather Gardens is a residential street comprising of two-storey, semi-detached dwellings. There is a three-storey purpose built flatted building on the corner with Golders Manor Drive.

### **2. Site History**

Reference: 17/6915/PND

Address: 1 - 5 Princes Parade Golders Green Road NW11 9PS

Decision: Prior Approval Required and Approved

Decision Date: 28.11.2017

Description: Demolition of all existing buildings

Reference: F/00443/14

Address: Heather House, 1A Heather Gardens, London NW11 9HS

Decision: Prior Approval Required and Approved

Decision Date: 21.03.2014

Description: Change of use from B1 office (first & second floor) to C3 residential (11 units)

Reference: C12863D/01

Address: 1 Heather Gardens London NW11 9HS

Decision: Refused  
Decision Date: 27.03.2002  
Description: Loft conversion involving addition of small roof gable and side and rear dormers.

Reference: C10541B/02  
Address: 3 Heather Gardens London NW11 9HS  
Decision: Lawful  
Decision Date: 12.02.2003  
Description: Alterations to roof including hip to gable and rear roof extension

Reference: C10541A/01  
Address: 3 Heather Gardens London NW11 9HS  
Decision: Refused  
Decision Date: 22.03.2001  
Description: Loft conversion involving dormer window extensions to side and rear of roof.

Reference: C10541  
Address: 3 Heather Gardens London NW11 9HS  
Decision: Lawful  
Decision Date: 18.09.1990  
Description: Roof extensions to side and rear

### **3. Proposal**

The application seeks permission for the demolition of the remaining buildings at 1 & 3 Heather Gardens and the erection of a part-three to part-five storey building with basement level. The proposal comprises of new retail floor space and ancillary storage at basement and ground floor levels and 29 self-contained flats.

The proposed retail element will consist of three individual shop units; two on the ground floor and the third split over the basement/ ground floor levels. In total, 875sqm of retail space is proposed, with a further 149sqm of associated storage space.

There are 29 flats proposed, comprising of 13 x 1-bed, 13 x 2-bed and 3 x 3-bed units. There is a rear communal garden (210sqm) proposed on the ground floor, roof garden (110sqm) on the fourth floor and a number of individual balconies and terraces.

In addition, the proposal provides 3no. off-street parking spaces, 1no. service/ delivery space, 49 cycle parking spaces and provision of refuse storage areas.

The proposal has been amended during the course of the application to include the following amendments:

- Removal of proposed sixth floor;
- Reduction in the number of residential units from 31 to 29 flats;
- Proposed fourth floor has been stepped in slightly from Golders Green Road and Heather Gardens elevations.

### **4. Public Consultation**

Consultation letters were sent to 643 neighbouring properties.  
38 responses have been received, comprising 11 letters of objection and 26 letters of support.

The objections received can be summarised as follows:

- Overdevelopment;
- Design not in keeping;
- Increased density;
- Overcrowding;
- Overshadowing;
- Impact on light and privacy;
- Provision of small sized flats;
- Increase in traffic;
- Excessive number of cycle parking spaces;
- Insufficient parking spaces;
- Drainage problems.

The letters of support received can be summarised as follows:

- Positive replacement to the old buildings;
- Huge communal asset and will add greatly to the area as well as the various local businesses;
- Provision of larger purpose-built shop;
- Provision of addition residential units;
- Proposed design is in keeping with the area and brings modern facelift to Golders Green.

## **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 24th July 2018. 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. 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 is currently under review. 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 adopted 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.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS6, CS9, CS10, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM07, DM08, DM10, DM12, DM17

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)  
Sustainable Design and Construction SPD (adopted October 2016)

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of development;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Provision of adequate accommodation for future occupiers;
- Highways, access and parking; and
- Other material considerations.

## **5.3 Assessment of proposals**

### Principle of development

#### *Demolition*

Prior to the demolition of the existing fire damaged buildings, Officers considered that the building at Nos. 1-5 Princes Parade benefitted from some architectural and historical merit. Its demolition was accepted due to the safety concerns arising from the fire. However, the LPA advised that it expected any replacement building to be of a high-quality design which positively contributes to the character of the streetscene and wider area. This will be assessed further within the report. The proposed demolition of 1 & 3 Heather Gardens raises no objections.

### *Mixed-use development*

The application site was previously occupied by buildings in mixed commercial and residential uses prior to their demolition. The LPA has no objection to the re-development of the site for a mixed retail / residential use. It is acknowledged that the previous residential units were substandard in terms of meeting the recent minimum floorspace standards and the proposal represents an opportunity to improve the standard of accommodation across the site.

### *Retail*

The site previously consisted of a total of 767sqm of retail floorspace. The application proposes 1058sqm of retail floor space, representing a net increase of 291sqm over and above what was previously on site. Barnet policy DM11 requires that all new out of town retail development and any extensions which exceed 200sqm gross will be required to undertake a sequential test. The proposal would fall under these criteria and as such the applicant has carried out a sequential test.

Paragraph 86 of the NPPF states main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. Paragraph 87 continues that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

In undertaking the sequential test, the report considers that as the proposed retail uses are aimed at serving the needs of the local residential area, an area of nearest town centres has only been considered. The town centres considered have been Brent Street, Golders Green and Temple Fortune. Sites circa 1,000sqm GIA floorspace will be considered within these town centres. Officers do not dispute the justification relating to the scope of the sequential test.

A survey of available sites was conducted in February 2018 and identified 29 vacant premises. The premises identified consisted of a number of small scale units, with the largest measuring 288sqm. Consideration was also given to any adjacent vacant premises which could be combined and again none would be of a sufficient size to accommodate the application proposal. As such, the report concludes that there are no suitable sites within or to the edge of three identified town centres.

Having reviewed the submitted information and sequential test analysis, Officers consider that an appropriate assessment taking into account the scale and nature of the proposed development has been undertaken which identifies that there are no other suitable sites within the designated town centre. All of the identified vacant premises were smaller than what previously existed on site. While the proposal provides a net increase, it is not considered to result in a significant change in character to the immediate area. The proposed units will serve a local need. Taking all of the factors into account, the proposal is considered to pass the sequential test and comply with the requirements of policy DM11.

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

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

The site is notably prominent being visible from all elevations, but especially from either side along Golders Green Road, therefore care needs to be taken in order to ensure that the new building fits acceptably in the street and achieves a suitably high standard of design.

### *Layout*

In terms of footprint, the development comprises a single building which is stepped and staggered across the site. The building facing Golders Green Road sits on a similar building line to the building that stood there previously. While this front building line sits further forward of Windsor Court, this replicates the previous position and so, no objection is raised to this element. Along Heather Gardens, the proposal is set back from the footpath by varying distances from 5 - 10m. The building line of the rear of the site is similar to that of No.5 and 7 Heather Gardens and would respect the streetscene.

Within the Design and Access Statement, there is a diagram provided which illustrates the existing and proposed footprints. From this, it can be viewed that the proposal has a similar built footprint. In terms of footprint, the proposal does not raise any significant concerns.

### *Scale and Massing*

The proposal consists of a five-storey building at the front of the site facing Golders Green Road and steps down to four-storeys within the middle section of the site, to three-storeys adjacent to No.5 Heather Gardens.

This element of the proposal has been subject to thorough discussions with the applicant and has resulted in a reduction of storeys and the setting back of the proposed fourth floor from Golders Green Road and Heather Gardens. Following these amendments, the Local Planning Authority is satisfied that the proposal is of an appropriate scale and massing.

### *External appearance*

Within the Design and Access Statement, it states that the proposal will match the architectural palette of materials in sympathy with the building and the local area whilst retaining its own individual appearance. A red stock brick is proposed to the main block, red brick to the rear, through-coloured render and anthracite powdered coated aluminium casement windows and doors. A green sedum is also proposed to the main roofs of this building.

In terms of the external design, the larger front building has been arranged in a stepped rhythm using 5.6m sections across the frontage width with uniform window sizes and external balconies. The stepped fourth floor would be constructed with a different coloured brick to help visually break up the massing.

Overall, the external appearance of the proposed development is considered to be acceptable and will not have a harmful impact on the character and appearance of the streetscene and wider locality.

### Impact in the amenity of neighbouring occupiers

Barnet policy DM01 requires new development to have due regard to the amenity of existing occupiers in neighbouring buildings.

There are a number of neighbouring properties surrounding which have the potential to be impacted by the proposed development.

In terms of overlooking, it is noted that there are a number of windows on the north-western elevation of Windsor Court facing the application. These windows are confirmed to be non-habitable rooms. The proposal does consist of a number of windows facing these existing windows. At ground floor level, the separation distance would be 5.4m, with the above floors being stepped back at a distance of 12.7m. However, taking into account the existing Windsor Court windows are non-habitable, there would be no harmful overlooking.

The applicant has undertaken a Daylight and Sunlight report which investigated potential impacts on properties along Heather Gardens, Phildor Court, Princes Parade and Windsor Court. The report concludes that there will be a small reduction in the amount of daylight reaching the windows of the buildings that surround the proposal. However, when the tests were run, the vast majority of the windows and rooms were well within the acceptable limits set out within the BRE guidance.

Only one of the 106 windows tested falls short of the BRE recommended values for the Vertical Sky Component (VSC) at No. 5 Heather Gardens. However, it has been identified that the window affected is a secondary window, where the room also benefits from a large window in the unobstructed rear elevation of the property. Furthermore, the NSL test concluded that there would be a negligible impact on the distribution of daylight within the room. Taking these tests into account, the report concludes that the overall reduction is unlikely to be noticeable by the occupants of No.5.

In summary, the report concludes that the proposed development will not result in a notable reduction in the amount of either daylight or sunlight enjoyed by the neighbouring buildings. All of the proposed residential units will receive acceptable levels of daylight and sunlight for future occupiers.

### Provision of adequate accommodation for future occupiers

In terms of the amenity for future occupiers, the LPA would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. The London Plan, policy DM02 and Barnet's Sustainable Design and Construction SPD set out the minimum space requirements for residential units.

There are 29 flats proposed, comprising of 13 x 1-bed, 13 x 2-bed and 3 x 3-bed units. After reviewing each of the units, 28 out of 29 units were meet or exceed the minimum floorspace standards. Unit 27 on the fourth floor falls short of the required 3B5P by 4sqm. Whist one of the rooms is marked as a study, it is large enough to accommodate a single bedroom. The unit has been reduced in order to accommodate Officer's comments in stepping back the whole fourth floor. While the unit represents a shortfall, it is a large unit which benefits from dual aspect outlook and overall is not considered to provide substandard accommodation.

Policy DM02 and the Sustainable Design and Construction SPD require the provision of 5sqm of private amenity space per habitable room. The proposal consists of rear communal garden, roof top garden and individual balconies/ terraces on the majority of units. These

provide a total of 555.5sqm of outdoor amenity space. The proposal consists of 100 habitable room, including those that can be counted as two (20sqm), providing a requirement of 500sqm. Therefore, the proposal provides the necessary outdoor amenity space required to service this development.

#### Highways, access and parking

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

The site is located within an area of PTAL 3 (average) and a controlled parking zone which operates 11:00-12:00 Monday-Friday.

The proposal proposes three car parking spaces and one service delivery space. The Council's Traffic and Development service comment the proposed level of parking is significantly less than the quantum expected. Typically, a development of this nature should provide between 26-40 spaces to be compliant with the standards set out within Policy DM17.

In the absence of sufficient parking spaces, the applicant has conducted a parking survey which was undertaken over the 29th and 30th November 2017. The parking survey has been undertaken in line with the Lambeth Methodology, which shows that the current on-street parking stress is 56% and 58% retrospectively. This level of parking stress allows for approximately 50 on-street vehicles before the 90% existing residential parking amenity threshold is reached. The applicants have also looked into the level of car ownership likely to be associated with the proposed development. Census car ownership levels for this ward and this tenure dictate that there will be 21 vehicles associated with the development. Over-spill parking by the development will account for 18 vehicles (21 vehicles associated with the development, minus the 3 proposed off-street car parking spaces). The Highway's Officer considers that the level of over-spill parking by the development will not impact on existing residents parking amenity.

London Plan stated minimum cycle parking levels suggest that a development of this nature should provide 49 cycle parking spaces. This development proposes 49 cycle spaces which is in line with London Plan minimum cycle parking standards. Cycle stores are located in a convenient place which are within a reasonable proximity to the development's accesses. No details of the specification of the cycle storage have been submitted and will be required to be submitted via a condition. Internal cycle stores should be designed to promote usage and allow for easy storage/ retrieval for persons of all strengths and allow for good accessibility to lock the bikes.

Residential refuse stores have been provided within a suitable proximity of the entrances to the development for the use by future residents. The bin stores are also located within a reasonable proximity from the public highway and can be easily accessed by refuse operatives. Refuse vehicles will not be required to enter the development, therefore no relevant swept paths are submitted. It is considered that a refuse vehicle stationary parked on the surrounding kerb side will not impact on the operation of the surrounding highway network. Retail refuse collection is to be undertaken via a commercial agent, with each of

the operators of the units managing the placement and management of the bins around collection times.

Service and refuse trip generation by the proposed residential aspect of the development is unlikely to be of a significant level. A service vehicle space has been provided for the retail aspect of the development. The space doesn't look like it will be of a size to accommodate large service vehicles associated with the larger retail store so a service management plan will be required via a condition. This is required to fully mitigate the impact of service vehicles on the surrounding highway network. The transport assessment suggests that there will be 2 larger vehicles (7.5t ridged) and 16 vans (transit size) service movements associated with the residential aspects, this level of vehicle movement can be suitably mitigated with a service management plan.

In summary, the proposed development is considered to comply with Barnet policy DM17 as the proposal will not compromise road safety or road hierarchy and will not generate a significant negative impact on the performance and safety of the surrounding highway network or its users.

#### Any other material considerations

##### *Affordable Housing*

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

The applicant has provided a financial viability statement by BNP in support of the scheme which states that it is not viable for any affordable housing to be provided. This has been reviewed independently by Colliers. The conclusion of the Colliers Report is that they are in agreement with BNP that it would not be reasonable to require a full policy compliant scheme as it is not viable. However, Colliers are recommending that a payment in lieu of £35,000 towards affordable housing be sought. The applicant has agreed to this payment.

##### *Sustainability*

The Sustainability Report submitted concludes that the proposal can achieve a 35.48% reduction in carbon emissions.

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

##### *Drainage*

A Flood Risk Assessment was submitted with the application. Following a review of the documents and further details provided, the Lead Local Flood Authority raises no objection in principle to the proposed development. They recommend that a condition be attached requiring a surface water drainage scheme to be submitted.

## **5.4 Response to Public Consultation**

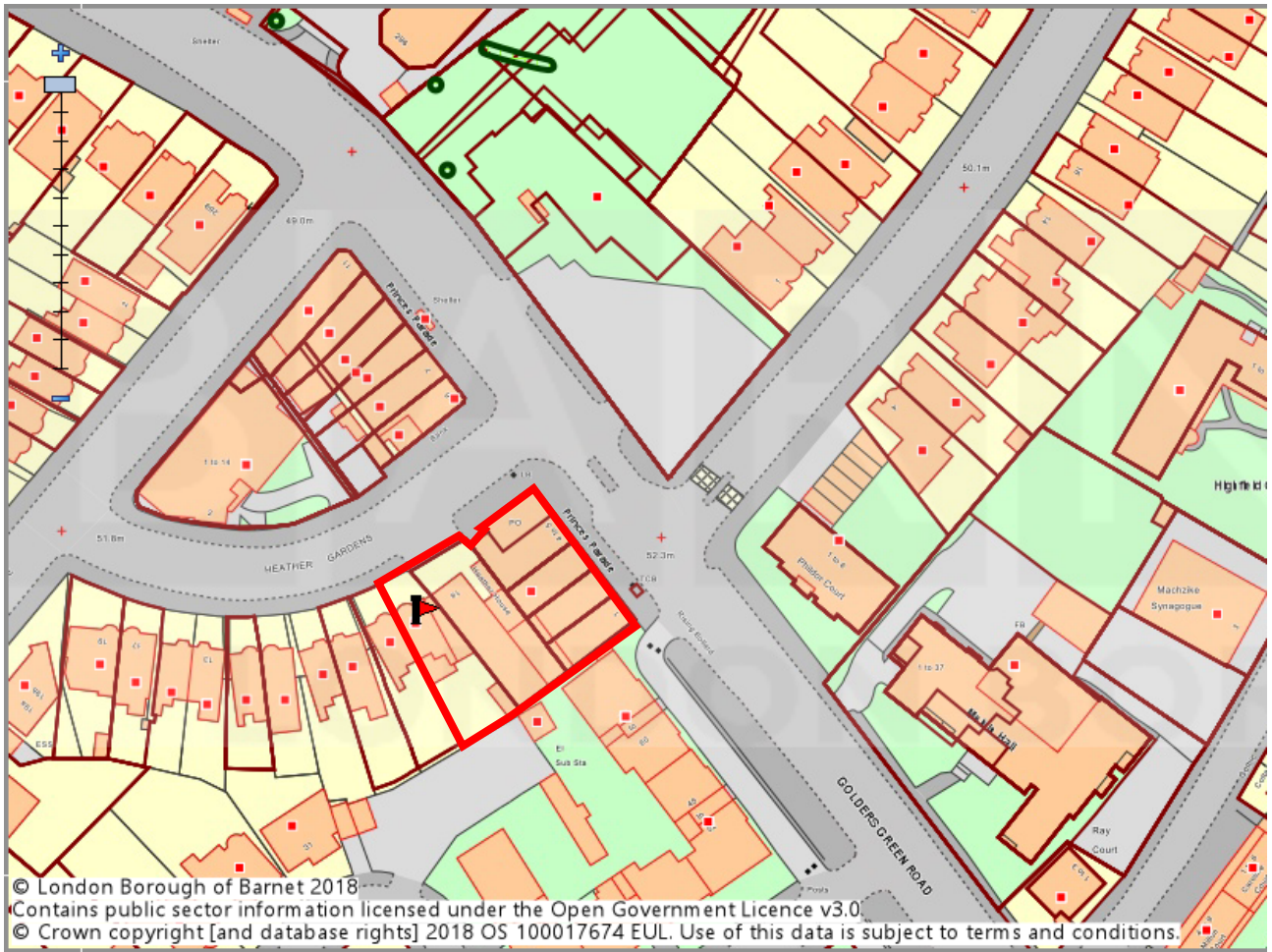
The majority of concerns raised within the letters of objection have been addressed within the assessment section of the report. The concern regarding drainage of the site will be dealt under the building regulations process.

## **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 completion of a legal agreement and 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 or future occupiers and would not have a harmful impact on the road network. This application is therefore recommended for approval.





**Location**                      **Rear Of Sage Court 200-210 Golders Green Road London NW11 9AQ** **AGENDA ITEM 13**

**Reference:**                      **18/4689/FUL**                      Received: 27th July 2018  
Accepted: 2nd August 2018  
**Ward:**                              Golders Green                      Expiry 27th September 2018

**Applicant:**                      Rabbi Samuel (Nesanel) Lieberman

**Proposal:**                      Demolition of existing ambulance enclosure and removal of existing portacabins and sheds. Erection of a part single storey, part two-storey, part three-storey, part four-storey building to accommodate a Beit Midrash (Jewish study hall) and dormitory for students, including associated dining room. Associated alterations to hard and soft landscaping. Provision of 14no. parking spaces, 24no cycle storage, refuse and recycling storage

**Recommendation:** Approve following legal agreement

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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; Drawing no. 210GGR-PP1-00; Drawing no. 210GGR-PP1-01 Rev D; Drawing no. 210GGR-PP1-02 Rev A; Drawing no. 210GGR-PP1-03 Rev A; Drawing no. 210GGR-PP1-04 Rev A; Drawing no. 210GGR-PP1-05 Rev A; Drawing no. 210GGR-PP1-06 Rev C; Drawing no. 210GGR-PP1-07 Rev B; Activities and Operation Statement by Tal Arc Ltd received 31st August 2018; Planning, Design and Access Statement by Tal Arc Ltd; Drawing titled "Landscape Plan" by rbmp landscape Rev B dated 13th September 2018; Landscape Specification Rev B by rbmp landscape dated 18th September 2018; Arboricultural Method Statement by rbmp landscape dated 27th September 2018; Tree Protection Plan Rev B by rbmp landscape dated 27th September 2018; Tree Survey by rbmp landscape dated 27th September 2018; Arboricultural Impact Assessment by rbmp landscape dated 27th September 2018; Energy and Sustainability Statement by eb7 dated 28th June 2018; Transport Statement by Caneparo Associates dated July 2018; Ventilation and Temperature Control in conditioned spaces by SGA Consulting Ltd Job Number: J1430 Rev P1 dated 29/06/18.

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

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

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

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

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

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

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

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

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

- 5 a) All work comprised in the hereby approved scheme of landscaping, as detailed on Drawing titled "Landscape Plan" by rbmp landscape Rev B dated 13th September 2018 and Landscape Specification Rev B by rbmp landscape dated 18th September 2018, 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.

b) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be

replaced with trees or shrubs of appropriate size and species in the next planting season.

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

- 6 The hereby approved Landscape Management Plan titled "Landscape Specification Rev B" by rbmp landscape dated 18th September 2018 shall be implemented in full in accordance.

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 2016.

- 7 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 and telecommunications) in relation to trees on and adjacent to 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 details approved under this condition.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016).

- 8 The Arboricultural Method statement (Arboricultural Method Statement by rbmp landscape dated 27th September 2018) and plan (Tree Protection Plan Rev B by rbmp landscape dated 27th September 2018) submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision, detailed in the Construction section of the report, by a suitably qualified tree specialist.

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 2016.

- 9 The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in condition 9 shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

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 2016.

- 10 a) Prior to the first occupation of the hereby approved development, details of the proposed green roof have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 11 The Beit-Midrash, dining hall and classrooms hereby permitted shall not be open to members of the public before 7am or after 10pm on Sunday to Friday and Saturdays or before 8am or after 10pm on Saturdays.

Students not sleeping at the premises shall vacate the premises by 9:15pm

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

- 12 There shall be no more than 90 students sleeping in the dormitory at any one time.

Reason:

To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area in accordance with Policy DM01 and DM04 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 13 There shall be no more than 250 people on the premises at any one time.

Reason:

To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area in accordance with Policy DM01 and DM04 of the Local Plan Development Management Policies DPD (adopted September 2012)

- 14 The building shall not be hired for private functions at any time.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy 7.15 of the London Plan 2016, Policy DM04 of the Development Management Policies DPD (adopted

September 2012), the Sustainable Design and Construction SPD (adopted October 2016).

- 15 The premises shall be used for a study hall and its ancillary activities including for associated dormitories at first, second, and third floors and for no other purpose (including any other purpose in Class D1 or C3) of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

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

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

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

- 17 No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 8am or after 6pm on any other day.

Reason:

To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day.

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

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

19 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.

20 Before development commences, an air quality neutral assessment report and an assessment of the air quality impact of construction shall be written in accordance with the relevant current guidance. This report shall be submitted to and approved 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.

a) If the report shows that the site does not conform to the air quality neutral benchmark requirements then a scheme of offset measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

b) The approved measures 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 Policies 3.2, 5.3 and 7.14 of the London Plan 2016, Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016).

21 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).

- 22 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

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

Reasons: In the interests of good air quality with regard to Policies 5.3 and 7.14 of the London Plan (2016)

- 23 The level of noise emitted from the the (AHU) 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 7.15 of the London Plan 2016, and Policies DM04 of the Development Management Policies DPD (adopted September 2012).

- 24 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 7.15 of the London Plan 2016, Policy DM04 of the Development Management Policies DPD (adopted

September 2012), and the Sustainable Design and Construction SPD (adopted October 2016).

- 25 The level of noise emitted from the use of any amplified music within the Unit 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.

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.

- 26 Prior to the commencement of the development, a detailed drawing of the one way access arrangement with vehicular entrance at the side from Garrick Avenue of the site from public highway shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the proposed one way operation has been implemented and signed in accordance with the approved details. The access thereafter shall only be used as approved.

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

- 27 Prior to commencement of the development details of the vehicular sight line to either side of the proposed site access with the Public highway shall be submitted to and approved in writing by the Local planning Authority. The access is thereafter is to be constructed in accordance with the approved details and be maintained free of all obstructions over a height of 0.6 metre above the level of the adjoining highway.

Reason: 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.

- 28 Prior to occupation of the development the vehicular access shall allow for 2.4 metre by 2.4 metre pedestrian visibility splays to the left and to the right of the access from 2m setback from the back of footway and shall thereafter be maintained free of any visibility obstructions including Fencing of planting of shrubs to provide clear visibility between heights of 0.6 metre and 1 metre above the level of the adjoining highway.

Reason: 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.

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



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

- 30 Disabled parking space shall be provided and clearly marked with a British Standard disabled symbol where appropriate and permanently retained for the use of disabled persons and their vehicles and for no other purpose prior to the first occupation of the development and shall thereafter be kept available/ maintained for such use at all times.

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

- 31 Prior to the occupation of the building hereby approved, 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 in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2016.

- 32 Prior to the commencement of the development, details of the junction(s) between the proposed service/access road(s) and the highway shall be submitted to and approved in writing by the Local Planning Authority; and the development hereby approved shall not be occupied until the junction(s) have been constructed in accordance with the approved details. 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 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.

- 33 Prior to the commencement of the development; a scheme showing details of access points (Pedestrian and Vehicular), estate road(s) and footways in accordance with the siting, size, dimensions and other details shown on the approved drawing shall be submitted to and approved by the Local Planning Authority.

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

- 34 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 17.25% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

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

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a payment under Mayoral CIL.

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

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

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

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

- 3 To evaluate the loss of publicly owned and managed trees the London Borough of Barnet, Green Spaces use the industry recognised system Capital Asset Value of Amenity Trees (CAVAT). Details of this system can be found on the London Tree Officers Association web site ([www.ltoa.org.uk](http://www.ltoa.org.uk)).

The London Borough of Barnet's Green Spaces has evaluated (T10) shown for removal on:- TREE PROTECTION PLAN NEW BEIT MIDRASH AND DORMITORY 200-210 GOLDERS GREEN ROAD, NW11 9AL 1816-04 - 2nd July 2018 Revision A, 26th July 2018 to be £2,994.00 plus VAT and all associated costs for removal and planting (£720.00 plus VAT).

- 4 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of 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 and Chalara of Ash. All trees to be planted must have been held in quarantine."

- 5 If the development is carried out it will be necessary for a vehicular crossover to be constructed over the footway by the Highway Authority at the applicant's expense. An application will need to be submitted to the Highways Authority for the works on public highway. An estimate for this work can be obtained from the Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 6 The applicant is advised that the council will not adopt the estate road(s). However, if the councils refuse vehicles are required to enter the site, the estate road(s) must be constructed to adoptable standards. Details of the road construction requirements can be obtained from the Traffic and Development Section in Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

- 7 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.
- 8 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](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto: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.

- 9 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 10 The applicant is advised that due to the large number of schools and school children in the area that site deliveries during the construction period should not take place between 0800 hrs to 0900hrs and 1500 hrs to 1600 hrs. Careful consideration must

also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.

- 11 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 (ensure that deliveries do not coincide and vehicles are not kept waiting and parked up on public highway causing obstruction), means of access and security procedures including provision of Banksman where required for managing 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 where necessary on or adjacent to the site. The applicant is also advised that account needs to be taken of roads the traffic sensitive nature of any roads in the vicinity of the site and the number of schools in the vicinity of the site and needs to arrange deliveries outside the school pickup and drop off times if applicable.

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.

- 12 The applicant is advised that any alteration to the public highway (including pavement) will require prior consent of the local highways authority. You may obtain an estimate for this work from Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

The applicant is required to submit a Street Works Licence application to the Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, 4-6 weeks before the start of works on the public highways.

- 13 The applicant is advised that any works required on public highway to facilitate the development will be at the applicant's expense and will require a separate agreement with the Highways Authority under S184 or S278 of the Highways Act 1980.

- 14 The applicant is advised that any alterations to on-street waiting and or loading restrictions will be subject to a statutory consultation period and amendment to Traffic Management Order (TMO). The Council cannot prejudge the outcome of the consultation process.

The applicant is advised that a separate application would need to be made to the Council's Highway Authority. The amendments if approved will be carried out at the applicant's expense. Advice on amendments to waiting restrictions if required and the estimated cost for the works can be obtained from Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

- 15 The applicant advised that if the development is carried out, where possible, the applicant should seek to improve the existing pedestrian visibility splays at either side of the vehicular crossover in accordance with Manual for Streets (MfS).
- 16 As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. Thames Water will need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

The proposed development is located within 15m of our underground waste water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

- 17 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.
  - Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
  - 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.

- For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

- For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 2017. Proof within the contractor's specification that all NRMM will be registered on the local government website



## **Officer's Assessment**

### **1. Site Description**

The application site lies to the rear of Sage Court, which is a nursing home located on the corner of Golders Green Road, Ambrose Avenue and Garrick Avenue. The site falls within the Golders Green Ward.

The property is not listed and does not lie within a conservation area.

The site is currently occupied by several structures and car parking to the rear of the main building on Golders Green Road. The structures include an ambulance store (located to the southeast of the site) and several structures including porta-cabins (to the west) which accommodate an office use. In addition, there is an existing electricity substation which would remain sited in its current location.

The existing refuse to SAGE is stored to the west of the site along the boundary with no. 212 Golders Green Road.

The property to the east and immediately abutting the site operates as a children's nursery. Due to the location of the plot, there are no residential properties immediately abutting the host site; residential properties are located on the other side of the roads (on Ambrose Avenue and Garrick Avenue).

There is existing parking to the west of the site, accessed from Ambrose Avenue serving the SAGE care home.

### **2. Site History**

Reference: C06177C

Address: 200-210 Golders Green Road London NW11

Decision: Approved subject to conditions

Decision Date: 04.01.1989

Description: Part five, part four, part three, storey building comprising a shared home (Class C2) of 30 units and ancillary accommodation and 38 sheltered flats, plus wardens flat with basement parking for 14 cars & ground floor

Reference: C06177D

Address: 200-210 Golders Green Road London NW11

Decision: Approved subject to conditions

Decision Date: 06.06.1990

Description: Part 3, part 4 storey building to provide a shared home (Class C2) of 30 units with ancillary accommodation. Parking with access from Ambrose Avenue and relocated EEB sub-station

Reference: C06177E

Address: 200-210 Golders Green Road London NW11

Decision: Approved subject to conditions

Decision Date: 07.08.1990

Description: Details of car parking, refuse storage area and landscaping pursuant to conditions 2, 3 & 4 of planning permission ref. C06177D for a part 3, part 4 storey building to form a 30 unit shared home.

Reference: C06177L

Address: R/O 208 Golders Green Road London NW11

Decision: Approved subject to conditions

Decision Date: 05.06.1998

Description: Erection of single storey garage building in car park area of nursing home to house an ambulance. Reduction in height of fencing along part of Ambrose Avenue.

Reference: C06177M

Address: R/O 208 Golders Green Road London NW11

Decision: Approved subject to conditions

Decision Date: 01.11.1999

Description: Alterations to elevations and retention of garage to house an ambulance, within car park at rear of nursing home.

Reference: F/03291/14

Address: Sage Court, 208 Golders Green Road, London, NW11 9AQ

Decision: Approved subject to conditions

Decision Date: 14.08.2014

Description: Installation of portacabin for office use during a twelve months period.

### **3. Proposal**

The proposed building consists of a part single, part two storey, part three storey and part four storey building on this large plot, to the rear of the existing care home known as SAGE.

The proposed development seeks to create a multi-functional facility, comprising of a Jewish study hall (Beit Midrash), and includes dormitory- style accommodation for up to 90 students at first, second and third floors over 24 bedrooms. The building would include a Main hall (for up to 230 people) which would be single storey in height, a dining room for up to 160 people, and three classrooms, as well as ancillary offices, meeting rooms and a library.

There are existing facilities on Finchley Road, however the building is inadequate for the users and the proposed building would cater for the existing facility. The building would be used by 16 to 18 year old male students. The activities would focus on teaching, reading and discussions of religious scriptures.

The proposal would include 24no cycle spaces for staff and students, 14no off-street parking spaces arranged across the perimeter of the site and shared between SAGE care home and the Beit Midrash, in addition to 2no disabled spaces and 1no space for deliveries only.

The proposed kitchen will not be used for the preparation of food but only for heating and serving meals provided by external caterers. The dining room is proposed to only serve meals to students and staff.

The proposed building would be comprised of a combination of zinc cladding (at roof level) and brickwork. Extensive landscaping is proposed to soften the appearance of the building. There would be entrances from Garrick Avenue (main entrance) and Ambrose Avenue (secondary entrance).

The proposed hours of use would be from 7am to 10pm Sundays to Fridays and 8am to 10pm on Saturdays. There would be 4no full time members of staff (1no. caretaker, 1no.

admin, 1no. security officer and 1no. staff looking after the students). The first prayer of the day would be scheduled at 7:40am every morning, followed by breakfast. Between 9am and 10pm studying would take place, only interrupted by other meals at 1pm and 7.30pm. The supporting information confirms that most students who are not staying overnight would leave by 9.15pm. Fridays and weekend hours would be reduced due to Shabbat.

The proposed building would be set 5.8m away from the SAGE (where the building would only be single storey in height). The building would be between 5m and 9.5m from the boundary with the pavement along Garrick Avenue. The building would be closer to the boundary at the junction of the Garrick Avenue and Ambrose Avenue.

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

Consultation letters were sent to 224 neighbouring properties.

114 responses have been received, comprising 13 letters of objection, 97 letters of support and 1 letters of comment.

The objections received can be summarised as follows:

- Noise and disturbance from use;
- Pollution from use;
- Loss of light;
- Parking pressures/ congestion;
- Four storey building is out of character;
- Impact of activity during religious festivals;
- Contrasting care home use in its nature;
- Inappropriate use for the area;
- Noise outside premises when people leave at unsocial hours/ this is a quiet area and not the main road;
- Overdevelopment of the site;
- Insufficient recreational space;
- Scale, appearance and impact on surrounding area;
- Loss of privacy/ overlooking;
- Impact on security due to increased number of young adult males in the area;
- Impact on house prices;

The representations received can be summarised as follows:

- Suitable establishment for the area;
- Existing building is not suitable for the needs of the students;
- Great community facility/ much needed resource for the area;
- Entire student body is local and therefore no impact on local highways;
- The site has been empty for years;
- Shortage of land for community facilities;
- Marginal increase in noise and traffic;
- Students of existing facility do not cause any problems;
- Site is easily accessible;
- This building will support the community for at least 50 years;
- Modern, larger and updated building;
- Community has a shortage of educational facilities;

The representation can be summarised as follows:

- Scope and timing of public consultation;
- Comments submitted are not from local residents;

- Use is supported however the scale/ size of the building would not;
- Should include underground parking;

UK power also commented as there is an existing substation on site; UK power initially raised an objection due to the width of the access. Amendments were provided to respond to the comments and increase the width of the access, and the objection was removed.

The Council's Highways, Environmental Health and Arboricultural officers have been consulted and all consider the proposal acceptable subject to conditions; discussed below in more detail.

A site notice was erected on the 9th August 2018.

## **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 24th July 2018. 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, creates better places in which to live and work and helps make development acceptable to communities... being clear about design expectations, and how these will be tested, is essential for achieving this'. 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 is currently under review. 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 adopted 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.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS6, CS8, CS9, CS10, CS15.

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM09, DM13, DM17.

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

#### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of use
- 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
- Future occupiers;
- Impact on local Highways;
- Arboricultural and Landscaping considerations;
- Sustainability;
- CIL.

### **5.3 Assessment of proposals**

#### Principle of Development

Paragraph 92 of the NPPF stipulates that planning decisions should "plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments". Similarly, Policy 4.8 of the London Plan specifies that decisions should prevent the loss of valued local community assets.

The Council recognise that there is a need for a range of community and religious facilities in Barnet to support the requirements of different ethnic, religious, social and interest groups in the borough. DM13 of the Development Management Policies DPD advocates that new community uses should be located where they are easily accessible to public transport. Policy DM13 states:

*"New community or educational uses should be located where they are accessible by public transport, walking and cycling, preferably in town centres or local centres.*

*New community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety. New community or educational uses will be expected to protect the amenity of residential properties."*

The proposed use is considered to be acceptable in principle in this sustainable location and within close proximity to the Golders Green Town Centre. The site is considered to be standalone in the sense that it is to the rear of a large block and occupies a relatively large area. The supporting information clarifies how the use would operate, and the impact on neighbouring amenity and highways implications are discussed in more detail below.

An ambulance station/ store is currently located on the site; this was approved by a historic planning permission. While there is no directly related policy in Barnet's Local Plan, there may be some overlap with community uses policy (DM13). In addition, Policy 3.16 of the London Plan identifies facilities such as health provision and community safety facilities as social infrastructure. The supporting information confirms that this use would be relocated to a neighbouring site, where the ambulance station is currently located.

There is an existing employment use on the site located within the porta-cabins. As the proposal would generate its own level of employment, the Local Planning Authority does not consider that there would be a loss of employment.

Finally, the electricity company has confirmed that following the amendments, there would be no objection to the proposal.

#### Impact on the character of the area

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

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

The site was historically occupied by the Golders Green Cinema. In addition, there are two relevant planning approvals on the site for a structure of a similar height and siting compared to that proposed. Application reference C06177C approved a 3 to 5 storey building for a care home (approved and built at the fronting Golders Green Road) and 38 sheltered flats at the rear. Application reference C06177D was similar and included ancillary accommodation to the care home and indicated a second stage to the development, however this was indicated outside the red line of the site.

Notwithstanding that the historic approval is no longer extant, the proposal is considered to be appropriate for this site due to its relative stand-alone nature. The building would be partial single storey nearest to the SAGE building, and the bulk and main building would be located centrally on the site up to four storeys in height. The gap between the existing care home and the proposed building would offer visual relief along Ambrose Avenue, although it is noted that section of the building closest to this is single storey. There is also a considerable distance from the pavement along Garrick Avenue which would reduce the prominence of the building and its height. It is recognised that efforts have been made to design a building which breaks down the bulk and massing with a combination of inverted and protruding features. There are recessed and elements of a lighter material which contribute to breaking down the massing on the Ambrose Avenue and Garrick Avenue facades. In addition, at the highway junction, the building width is not considered to be excessive and appropriate to reduce the visual impact from a townscape perspective.

The development proposed is modern in design and finishing materials, and officers do not have an in principle objection to this approach given that this is a standalone site and a building with a specific use. The success of new development relies heavily on the quality and detailing of the building; the proposed elevations include precedent of the proposed materials. The indicate materials and detailing is generally attractive and of a high quality, however details would be obtained by a condition. The proposed design includes ornamental brickwork to ensure that blank facades are limited and to add visual interest from a townscape perspective.

Discussions regarding landscaping are covered in a separate section, however officers are satisfied that the proposed landscaping scheme would soften the visual impact of the building. It is considered that the building would make a positive contribution to the local area.

The refuse store is proposed to be sited along the Garrick Avenue frontage behind an enclosure so that these are not highly visible from the streetscene.

It is considered that the proposals would have an acceptable impact on the character and appearance of the streetscene and general locality.

#### Impact on the amenities of neighbours

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. New development should therefore have due regard to the amenity of existing occupiers in neighbouring buildings.

The site visit indicated that the ground floor rear windows of the care home fronting the site did not serve any habitable rooms that required a protection of amenity. In addition, the existing care-home does not benefit from any outdoor amenity space which would be lost as a result of the proposal.

Whilst there is no objection to the proposed use and the number of students, the Local Planning Authority considers that it would be important to restrict the level of activity later in the night and that the use should cease at 10pm. Suitable conditions have been added to restrict the hours of use, the number of people at any given time and the levels of noise from plant or music (if applicable during religious holidays/ seminars). It is considered that the

compliance with these restrictions and given the distance to neighbouring residences, there would not be an adverse or unacceptable impact on neighbouring amenity.

Environmental Health officers have reviewed the proposal and confirmed that there is no evidence of contaminated land on the site. EH officers have recommended conditions including limits on noise from mechanical equipment to protect the amenity of neighbouring residents including those in the care-home.

The Residential Design Guidance SPD states that to mitigate overlooking between residential units, the minimum distance between windows serving habitable rooms should be 21 metres and there should be a distance of 10.5 metres between a new development and a neighbouring garden. The proposal is not for residential use, although bedrooms would be located at upper floor levels the use is not defined as a C3 use class and therefore this standard does not apply. Notwithstanding this, the building would be separated by the adjoining roads which act as a natural barrier and the relationship between windows is not dissimilar to properties fronting each other. In addition, the building would be sited in excess of the 21m distance.

Similarly, in terms of loss of light, it is accepted that the building is larger than the buildings on Garrick Avenue and Ambrose Avenue, however given the distances, it is not considered that the building would have an overbearing impact or result in loss of light.

It is not considered that the proposed use, subject to recommended conditions, would harm neighbouring amenity through associated noise and disturbance from additional activity to an unacceptable level to warrant refusal.

#### Impact on future occupiers

As the proposal is for a use which would have a communal element with ancillary bedrooms although not as self-contained flats (use class C3 dwellings), London Plan standards on the minimum internal space for new dwellings do not need to be strictly applied.

Nonetheless, the sleeping accommodation is considered to be of a suitable size. 24 bedrooms are proposed, each accommodating between 4 and 5 students each. The students would eat their meals in the dining room at ground floor. There would be a regular exchange of students and this would not be their permanent residence.

As the use is not residential, there are no standards for outdoor amenity space external recreational areas.

It is considered that suitable amenity would be provided to future users of the sleeping quarters.

#### Impact on Highways

The Council's Highways officers have reviewed the submitted information and provided the following comments:

##### *Trip Generation/ Modal Split*

The PTAL is 3 (average) with only bus and tube available within the PTAL calculation area. Estimated modal split for the development proposes that the high proportion of students will



access the development by public and sustainable mode. Ambitious modal shift targets for staff and students should be set within the travel plan, secured through a S106 agreement. There is suitable capacity on the surrounding public transport network to cater for the proposed level of public transport usage associated with the development.

The College has used its existing campus travel data located on Finchley Road, within a CPZ however does have a PTAL of 5. While the campus on Finchley Road is in a PTAL of 5 as opposed to the developments PTAL of 3, the PTAL surrounding the development increases up to a PTAL of 5 within 400m of the development. Both campuses are within a similar distance from the Golders Green transport hub, therefore the purpose of comparison the existing data is suitable in this instance. The expected modal split is as follows:

- Car 10%
- Bus 10%
- Underground 10%
- Rail 0%
- Walk 65%
- Cycle/ Scooter 5%

It should be noted that the campus these figures were taken from does not have a residential aspect. Rail has been omitted from the survey data, due to the nearest stations considerable proximity from the development, and reassigned to car travel. These factors give an absolute worse-case scenario.

Information has been submitted to suggest that future students of the study hall will be from the local community (NW11, N16, NW4, N15, HA8, HA6).

Maximum residential stays are approximately 5-7 days and arranged on an individual basis. Given this individual, short term residential nature the likelihood of trip generation by the residential aspect will be not of a significant level which would not impact on the surround highway network or increase the need for off street car parking for drop off or students. A parking management plan will be required to be conditioned, this document should include information to fully mitigate the impact associated with the likelihood of vehicles dropping students off for their residential stay.

### Parking

The development is located in the Brent Cross controlled parking zone.

The development proposes a total of 14 parking spaces, a number of these are provided for the use of the development to the boundary of the property (the existing SAGE care home), the rest are for the proposed use. Seven of these parking spaces are for the sole use of the development (5 general use spaces and two disabled). The parking spaces are to be used by members of staff, not future students of the study hall, a vast number of the students attending the proposed facility are not of driving age. It is thought that the proposed level of parking associated with this development is reasonable. There are no parking standards for the proposed type of use covered by either Barnet or London Plan policies. Therefore, each case is assessed on its own merits.

The development proposes fourteen staff modal split for staff travel predicts that 50% of staff will travel to the site via private car, therefore the provision of car parking will not generate any over spill parking from staff associated with the development.

The proposed cycle parking provision is in line with London Plan minimum standards for students associated with an educational use. It is thought the given the close proximity, many of the students are likely to live close to the development, thus cycles would be a suitable mode of transport. The demand for staff cycling should be monitored via the travel plan and cycle parking provided in line with the required demand.

### Servicing

An off-street loading space has been provided which has been located to the southern end of the property, vehicles will enter from Garrick Avenue and exit on to Ambrose Avenue. Swept paths have been provided to show that the vehicles associated with the servicing of the development can enter and exit the development in a forward gear. A service management plan should be conditioned to mitigate the impact of service vehicles associated with the development.

Refuse will be collected by a vehicle waiting on street, refuse bins will be located, on private land, within an immediate proximity of the highway to reduce the dwell time of the refuse vehicle on the highway. Further details of how this will be managed have been conditioned.

### Highway Works/ S278

Six crossovers are required to facilitate to proposed development, as a result six on street parking bays will need to be moved. Parking surveys show that parking is approximately at 50 % stress there for the removal of the 6 parking bays will have no impact on the operation of the surrounding highway network or existing residents parking amenity.

The crossovers will need to be delivered via a S278 agreement. Highways officers suggest that the entry and exit crossovers which serve the internal areas of the development should be built to heavy duty standards whereas the crossovers which serve the "staff" parking bays will be suitable to be constructed in the normal manor. As part of the S278 the applicant will be expected to replace any defect on the footway. Applicants are urged to engage with the highways DC team at the earliest opportunity and log a full S278 application to ensure that works do not hinder the construction or occupation of the development.

A construction management plan will be required to mitigate the impact of the construction phase associated with the proposed development. In this instance particular consideration should be given to the impact of construction vehicles on the surrounding residents (on Garrick Avenue and Ambrose Avenue).

### Summary

The above applications for the construction of a residential learning facility will generate no significant impact on the performance and safety of the surrounding highway network or its users, as such a recommendation for approval is supported for the following reasons;

- Cycle parking is in line with London plan standards.
- The proposed level of car parking will mitigate the likelihood of over spill parking by staff.
- Parking surveys show that the loss of parking bays to provide access to the development will not impact on existing residents parking amenity.

- Modal split shows Public and sustainable transport modes likely to be used extensively used by students.
- Off Street Servicing facilities provided.
- A travel plan would be secured through a S106 agreement to further increase modal shift toward sustainable and public modes of transport by staff and students. The applicant has agreed to enter into a legal agreement.

### Arboricultural Impact and Landscaping

The NPPF (2018) stipulates that Planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

Policy DM01 of the Adopted Barnet Development Management Policies advises 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. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

The Council's Arboriculturalist has reviewed the scheme and discussed the proposed works extensively with the applicant/ agent; the officer's comments are below.

The proposal seeks to retain as many trees as possible in this area by providing engineering solutions to minimise impacts. The majority are feasible if undertaken with extreme care. Therefore, if the scheme is considered suitable in all other policy areas then retaining the tree screen will be essential to minimise the visual impact of the building.

There is no objection to the loss of the street tree from Green Spaces (T10) if the CAVAT (Capital Asset Valuation of Amenity Trees) is paid £2,994.00 plus VAT and all associated costs for removal and planting (£720.00 plus VAT). This would be secured via a S106 agreement.

Detailed landscape plans have been drawn up and submitted for the scheme. These plans will provide high quality amenity space for the users of the development. The submitted specifications, if fully implemented, will ensure the success of the scheme; this would be secured by a condition.

Ecological enhancements have been specified to improve bio-diversity on the site and include green and brown roofs which is supported.

The scheme seeks to retain all but three trees on the site and will maintain the important visual screening between the site and the residential properties opposite on Garrick Avenue. Sufficient information has been provided to evaluate the impact of the proposal on trees which is considered in accordance with local policy DM01. The proposal is therefore considered to be acceptable on Arboricultural grounds subject to conditions.

## Accessibility and Sustainability

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 17.25% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached

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

## Community Infrastructure Levy

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

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

The proposal has been calculated to be liable for both Barnet CIL and Mayor's CIL for the residential use and for Mayor's CIL only for the community use.

## **5.4 Response to Public Consultation**

It is considered that the planning related objections have been addressed in the report above.

With regards to the impact on house prices, this is not a material planning consideration.

During the course of the application, reconsultation was carried out with neighbouring occupiers to reflect the updated plans and clarification of the development description. In addition, there was a site notice erected. It is therefore considered that neighbouring occupiers were given adequate notice of the application.

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

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

## **7. Conclusion**

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



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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).

- 4 The House of Multiple Occupation hereby approved must be occupied by no more than 6 persons at any time.

Reason: To safeguard the amenities of neighbouring occupiers.

- 5 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).

- 6 The roof of the rear extension and the roof of the existing outbuilding 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).

- 7 a) Prior to first occupation of the hereby approved development, a scheme of hard and soft landscaping to the front forecourt area, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, has been submitted to and agreed in writing by the Local Planning Authority.

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

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

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



- 8 Prior to commencement of development details of refuse collection and bin store location shall be submitted to and approved in writing by the Local Planning Authority. The refuse collection store shall be located within 10 metres of the Public Highway.

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

- 9 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

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

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

- 10 Before the development hereby permitted is occupied 4 car parking spaces as indicated on drawing No. HD 1051/9004 submitted with the planning application including the access to the parking spaces shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

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

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

- 12 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.

- 13 Before the building hereby permitted is first occupied the proposed windows in the side elevation facing north west 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 at 1.7m or above.

Reason: To safeguard the privacy and amenities of occupiers of proposed and 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).

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

- 1 In accordance with paragraphs 38-57 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 Informative: 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](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto: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 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

Please Note: A maximum width of a crossover allowed from a public highway is 4.8 metres.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

- 4 All HMOs must comply with the requirements of The Management of Houses in Multiple Occupation (England) Regulations 2006 or in the case of an HMO falling within Section 257 of the Housing Act 2004, the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007.

Further information concerning these Regulations can be found at:

<http://www.legislation.gov.uk/uksi/2006/372/contents/made>

[http://www.legislation.gov.uk/uksi/2007/1903/pdfs/uksi\\_20071903\\_en.pdf](http://www.legislation.gov.uk/uksi/2007/1903/pdfs/uksi_20071903_en.pdf)

- 5 HMO standards also includes means of escape, structural fire protection, automatic fire detection, emergency lighting and firefighting equipment and in the usual course of events, the current Building Regulations will have been satisfied with respect to these matters. Please note that standards refer to the LACORS 'Guidance on fire safety provisions for certain types of existing housing' which are applied in relation to licensing and other Housing Act functions, usually after consultation with the London Fire Brigade. A copy of this document can be obtained as follows:

ISBN 978-1-84049-638-3

Printed by: Newman Thomson Ltd,  
1 Jubilee Road, Burgess Hill, West Sussex,  
RH15 9TL

Or on line at <https://www.cieh.org/media/1244/guidance-on-fire-safety-provisions-for-certain-types-of-existing-housing.pdf>

## **Officer's Assessment**

### **1. Site Description**

The property is a three storey semi detached dwelling situated on the northern side of Golders Green Road in the Golders Green ward. It probably dates from the 1920s and is characteristic of much property along the road. The application site is not a listed building and does not lie within a Conservation Area. There is a Borough wide Article 4 Direction which restricts the permitted change of use from C3 to C4.

The property currently is divided into three flats and there is an existing single storey outbuilding to the rear.

The site is located approximately 80m from the edge of Golders Green Town Centre and is in an area with a variety of land use including residential, hotels and health centres.

The site has a PTAL of 3 although is almost on the border with 4. This reflects the proximity of regular bus routes and stops and Golders Green underground and coach station approximately eight minutes' walk away.

### **2. Site History**

Reference: 15/00661/FUL

Address: 176 Golders Green Road, London, NW11 8BB

Decision: Approved subject to conditions

Decision Date: 18 March 2015

Description: Conversion of dwelling into 3no. self-contained flats

Reference: 15/07258/191

Address: 176 Golders Green Road, London, NW11 8BB

Decision: Unlawful

Decision Date: 29 February 2016

Description: Construction of a single storey detached building in rear garden

Reference: F/04104/14

Address: 176 Golders Green Road, London, NW11 8BB

Decision: Application Returned

Decision Date: No Decision Made.

Description: Conversion to form 3no self contained flats

Reference: F/04146/13

Address: 176 Golders Green Road, London, NW11 8BB

Decision: Approved subject to conditions

Decision Date: 10 December 2013

Description: Single storey rear extension and roof extension involving front dormer window.

Reference: F/00207/14

Address: 176 Golders Green Road, London, NW11 8BB

Decision: Prior Approval Not Required

Decision Date: 11 March 2014

Description: Single storey rear extension, with a proposed depth of 6metres from the original rear wall, eaves height of 3metres and maximum height of 3metres

Reference: F/00728/13

Address: 176 Golders Green Road, London, NW11 8BB

Decision: Refused

Decision Date: 8 May 2013

Description: Conversion of property into 3no. self contained units. Single storey rear extension, first floor rear extension and roof extension involving enlargement of existing rear dormer and creation of new front dormer. New hardstanding to front driveway to facilitate 3no. off-street car parking spaces. Associated hard and soft landscaping and refuse storage

Reference: F/00503/12

Address: 176 Golders Green Road, London, NW11 8BB

Decision: Refused

Decision Date: 13 July 2012

Description: Roof extension involving new front and rear dormer windows, single storey rear extension and change of use from residential dwellinghouse to hotel.

Reference: 17/6057/FUL

Address: 224 Golders Green Road, London, NW11 8BB

Decision: Approved subject to conditions

Decision Date: 03/11/2017

Description: Conversion of property into HMO (C4 Use) for shared residential use of up to 5 people following single storey rear extension

### **3. Proposal**

Conversion of premises into 1no self-contained flat (C3-use) at ground floor level and upper levels to be converted into HMO (C4 Use) for shared use of up to 6 people. Associated cycle store, refuse and recycling.

The ground floor flat is a two bedroom /four person unit with a private rear garden area of 44sqm.

The HMO is made up of six one-person bedrooms with one shared kitchen per floor.

### **4. Public Consultation**

Consultation letters were sent to 188 neighbouring properties. 5 responses have been received, comprising 5 letters of objection.

The objections received can be summarised as follows:

- Loss of single dwelling
- Increase in anti-social behaviour
- Inappropriate location for HMO
- No justification for HMO as need not defined
- Car parking pressure
- Lack of refuse

Highways Officer: No objection subject to conditions and informatives

HMO Licensing: The ratio of rooms to facilities appears to accord to standards but an HMO license would be required.

### **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 24th July 2018. 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. 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 is currently under review. 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 adopted 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.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS6, CS9, CS10, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM09, DM17

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

#### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

## 5.2 Main issues for consideration

The main issues for consideration in this case are:

- The suitability for an HMO in this location
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the scheme complies with HMO standards
- Highways and parking

## 5.3 Assessment of proposals

### The suitability for an HMO in this location

In assessing the principle of HMOs, Policy DM09 states that proposals for new HMO will be encouraged that they meet an identified need, can demonstrate that they will not have a harmful impact on the character and amenities of the surrounding area, are easily accessible by public transport, cycling and walking and meet the relevant housing standards for HMO.

The information provided highlights the number of HMOs within the vicinity of the application site as a way of demonstrating that the area has an obvious need for low cost accommodation. However, the presence of other HMOs in the area does not necessarily demonstrate an identified need for HMO type accommodation in this location particularly, given HMOs were allowed under permitted development prior to the implementation of an Article 4 in May 2016 and therefore are present across the borough. It is acknowledged that there are institutions which would attract a demand for low cost accommodation within proximal distance to the application site. However, it is considered that the examples provided such as primary schools and Middlesex University in Hendon could be used as a justification for the suitability of any number of HMO applications within the Golders Green Ward. Therefore, while it is important to demonstrate need and the applicant has to a degree, it is not sufficient alone to substantiate the suitability of the application site for a HMO.

More significant weight has been given to the location of the application site which is deemed in addition to the identified need, to be suitable for a HMO. The location, as outlined in the Site Description section above highlights the good level of accessibility the application site enjoys. It has a PTAL rating of 3/4 which is above average and is located on a main road in proximity to the following:

- Golders Green Town Centre boundary (80m)
- Golders Green Tube Station (350m)
- Bus stop (25m)

The location is not within Golders Green town centre which extends to 154 Golders Green Road. However, it is within 80 metres of the boundary of the town centre. Moreover, the immediate area is in a variety of land uses. There are hotels at 170 Golders Green Road, 151 Golders Green Road and 155-159 Golders Green Road, all outside the town centre and within close proximity of the site. There are medical health centres at 168 Golders Green Road and 188 Golders Green Road, and a dental care centre at 192 Golders Green Road. Permanent residential accommodation is also varied within this section of Golders Green Road, both mansion blocks, flats and houses, with Eagle Court mansion block extending from 180 Golders Green Road to the junction with Gloucester Gardens.



Based on the mixed character of the area surrounding the application site, it is not deemed that the introduction of a HMO would harmfully alter the character of this section of Golders Green Road. Therefore, while the application site is not located within a town centre location, it is considered that the accessibility level is sufficiently high enough and the character of the area suitably mixed to justify a HMO at the application site. It is this that has been given the most weight in determining the suitability of the application site for a HMO, with the identified need a collaborating factor.

In summary, it is considered that the principle of a HMO at the application site is acceptable given the mixed character of this section of Golders Green Road and its proximity to key transit routes and modes. The information provided to evidence an identified need has been given less weight than the above, but is sufficient to demonstrate there is a need for low cost accommodation in this location. Furthermore, it is not considered that harm would be caused to the character of this section of Golders Green Road and given there is sufficient space for off-street parking, and local amenities and transit stops are within walking distance, it is not expected that the amenity of neighbouring occupiers will be harmed as a result of the proposed HMO use.

#### Impact on the character of the area

The proposal involves no external alterations to the property. The assessment above describes the context into which the proposal would fit. It is considered that the proposal would not be out of character with existing uses in the area and that the impact on the character of the area would be relatively small, and not materially detrimental.

#### Impact on the amenities of neighbours

The proposal does not involve any material external alterations and there would therefore be no loss of daylight, sunlight, privacy or aspect for adjacent occupiers. However, HMOS can involve an intensification of use creating more activity than would be the case with single dwelling houses. However, the conversion to an HMO is for single bedrooms and the equivalent conversion to a maisonette could generate as many bed spaces. Moreover, the site is located on a main thoroughfare with a variety of land uses.

#### Whether the scheme complies with HMO standards and conversion standards

The floor layout and room sizes are acceptable and would comply with the relevant HMO licensing standards. All six bedrooms would comply with floor areas for one room/one person lets. Four of the six units have their own shower and wc., and the remaining two share a bathroom.

The property will be operated by a specialist HMO management company who is aware of the space requirements of a HMO property. Nevertheless, a condition will be attached to limit the number of occupants to 6.no persons as outlined within this application, in order to ensure the space standards remain suitable for the number of occupants proposed.

The ground floor unit will remain a self-contained flat. It will have two double bedrooms and the overall floor area of 114sqm GIA accords with policy standards. The private amenity space to the rear, of 44sqm, accords with policy. The unit will be dual aspect with glazing to three elevations, allowing acceptable light and outlook.

#### Highways

The application proposes 2.no off-street parking spaces to the front of the property and 9.no cycle spaces to rear. DM17 states that 1 to less than 1 parking space should be provided per 1.no bedroom unit. As the HMO is for 6.no people, the proposal would have a

parking requirement of 0-6 spaces. The proposed two-bedroom flat would require a provision of 1-2 parking spaces. Given the above average PTAL rating and the application site's proximity to bus links and the tube station, it is considered that 2.no parking spaces would be adequate. Therefore, it is considered that a parking requirement of 2.no parking spaces is appropriate for the site's proposed use.

Furthermore, the inclusion of 2.no parking spaces as opposed to 3.no better enables the front of the site to include and accommodate soft landscaping; something much needed along this stretch of Golders Green Road.

The 9.no cycle spaces are to be stored in secure, weather proofed timber cycle sheds. It is considered that the parking and cycle provision complies with Policy DM17 and section 6.9 of the London Plan (2016).

#### Refuse and recycling storage

Refuse and recycling bins have been provided to the front of the application site. They are proposed to be housed within timber bin enclosures and will not be obviously visible from the public highway. Bins will be brought to the public highway on collection day by residents, or the management company for the HMO. It is considered that sufficient space is provided to accommodate the required refuse and recycling storage in line with Barnet's Waste and Recycling Strategy (2017).

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

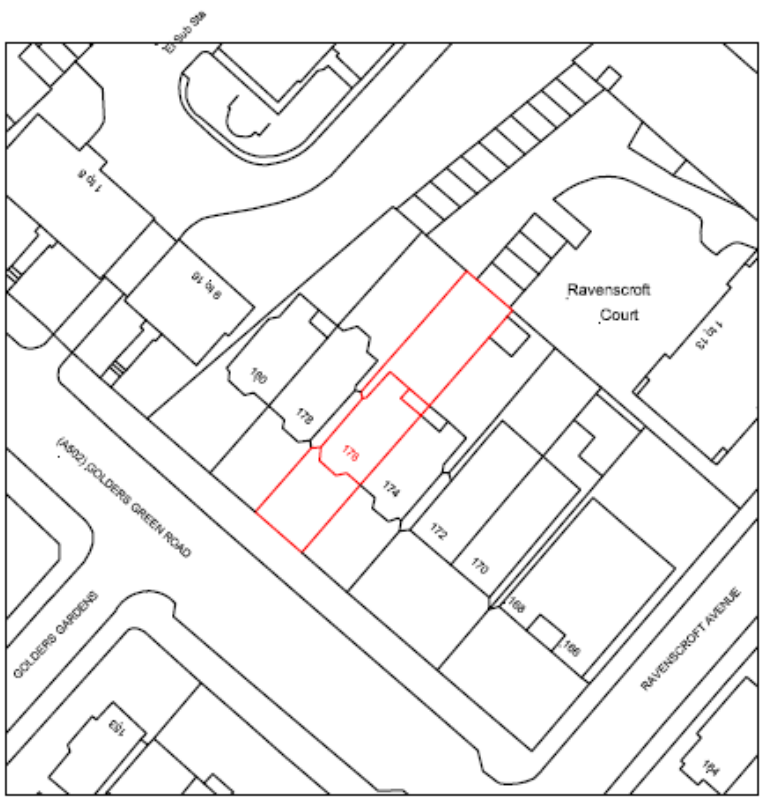
This is covered in the evaluation.

#### **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**

In summary, it is considered that the principle of a HMO at the application site is acceptable given the mixed character of this section of Golders Green Road and its proximity to key transit routes and modes. The information provided to evidence an identified need has been given less weight than the above, but is sufficient to demonstrate there is a need for low cost accommodation in this location. Furthermore, it is not considered that harm would be caused to the character of this section of Golders Green Road and given there is sufficient space for off-street parking, and local amenities and transit stops are within walking distance, it is not expected that the amenity of neighbouring occupiers will be harmed as a result of the proposed HMO use. The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.



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**Location** 213 - 215 Golders Green Road London NW11 9BY

**Reference:** 18/0579/RCU

Received: 26th January 2018

Accepted: 4th June 2018

**Ward:** Golders Green

Expiry 30th July 2018

**Applicant:** Mr Samuel Grosz

**Proposal:** Erection of a part three storey, part four storey building with rooms in roofspace, following partial demolition of existing building. Use as synagogue (Class D1) at ground floor level. Internal alterations to reduce 9no existing unauthorised self-contained flats to 7. Associated Alterations to hard/soft landscaping, refuse/recycling facilities and 6no. off street parking spaces. Erection of a single storey outbuilding with basement level as use as a Mikveh pool following demolition of existing outbuilding. Works are partly retrospective.

**Recommendation:** Refuse

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 development would result in a significant increase of the existing synagogue use on the site, without the submission of any supporting information related to the increase in terms of activities, numbers and mitigation to neighbouring properties. In the absence of such details, the proposal would lead to an unacceptable intensification of use of the site resulting in a significant increase in noise, disturbance and comings and goings with a resultant cumulative impact on the character of the area and amenity of occupiers of the neighbouring properties. The proposal therefore fails to comply with policies CS1, CS5 and CS13 of Barnet's Adopted Core Strategy (2012) and policy DM01 of the Adopted Development Management Policies DPD (2012).
- 2 The part-three, part-four storey building would represent an overly dominant form of development within the application site and streetscene by reason of its bulky and out of scale roof structure, and would be inappropriate and out of context with the prevailing character of the streetscene and would introduce a building detrimental to the character and appearance of the area, contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012) and policy DM01 of the Adopted Development Management Policies DPD (2012).
- 3 The internal floor area of flats 4 and 7 fails to meet the minimum internal floor space requirements and the proposal fails to provide any outdoor amenity space for any occupiers of the residential units. As such, the proposal would fail to provide a

satisfactory standard of accommodation for the existing and the future occupiers of these units, being contrary to Policies CS NPPF, CS1 and CS5 of Barnet's Adopted Core Strategy (2012), Policy DM01 and DM02 of the Adopted Development Management Policies DPD (2012), the Adopted Sustainable Design and Construction SPD (2016) and the Adopted Residential Design Guidance SPD (2016).

- 4 The proposed intensification of the forecourt area, by reason of the parking arrangement and enclosed refuse areas would be inappropriate and out of context with the prevailing character of the area and would introduce a prominent feature detrimental to the character and appearance of the site and streetscene, contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).
- 5 The proposed parking arrangement within the forecourt does not provide sufficient distance between the parking spaces, preventing safe and easy turning within the site. As such, the proposal would cause detrimental harm to highway and pedestrian safety and the free-flow of traffic, contrary to policy 6.13 of the London Plan and policies CS9 and CS15 of the Adopted Core Strategy (2012), and Policy DM17 of the Adopted Development Management Policies DPD (2012).

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

- 1 The plans accompanying this application are:

GGNRD - L301 (Pre-Existing - Location Plans)  
GGNRD - P301 (Pre-Existing - Ground Floor)  
GGNRD - P302 (Pre-Existing - First Floor)  
GGNRD - P303 (Pre-Existing - Loft Plan)  
GGNRD - P304 (Pre-Existing - Roof Plan)  
GGNRD - E301 (Pre-Existing - Front/ Rear Elevations)  
GGNRD - E302 (Pre-Existing - Side Elevation 1)  
GGNRD - E303 (Pre-Existing - Side Elevation 2)

GGNRD - L201 A (Existing - Location Plans)  
GGNRD - P201 A (Existing - Ground Floor)  
GGNRD - P202 A (Existing - First Floor)  
GGNRD - P203 A (Existing - Second Floor)  
GGNRD - P204 A (Existing - Loft Plan)  
GGNRD - P205 A (Existing - Roof Plan)  
GGNRD - E201 A (Existing - Front and Rear Elevations)  
GGNRD - E202 (Existing - Side Elevation 1)  
GGNRD - E203 A (Existing - Side Elevation 2)

GGNRD - L401 A (Proposed - Location Plans)  
GGNRD - P401 A (Proposed - Ground Floor)  
GGNRD - P402 A (Proposed - First Floor)  
GGNRD - P403 A (Proposed - Second Floor)  
GGNRD - P404 A (Proposed - Loft Plan)  
GGNRD - P405 A (Proposed - Roof Plan)  
GGNRD - E401 A (Proposed - Front and Rear Elevations)  
GGNRD - E402 A (Proposed - Side Elevation 1)

GGNRD - E403 A (Proposed - Side Elevation 2)  
GGNRD - E404 A (Proposed - Front Street Elevation)  
GGNRD - S401 A (Proposed - Section AA')  
GGNRD - S402 (Proposed - Section BB')

GGNRD - RO401 (Proposed - Rear Outbuilding)

#### Planning, Design and Access Statement

- 2 In accordance with paragraphs 38-57 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.
- 3 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking were set at a rate of £0 per sq m.

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

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail.

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

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

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of any appeal being allowed, please contact us: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

## Relief or Exemption from CIL

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

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

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

Please visit [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil) for further details on exemption and relief.



## **Officer's Assessment**

### **1. Site Description**

The application site is located on the south-western side of Golders Green Road, within the ward of Golders Green.

The site comprises of a two-storey building with rooms in the roofspace and currently comprises of a Synagogue at ground floor level and 9no. self-contained flats (unauthorised) on the upper floor levels. At the front of the site there are 8no. off-street parking spaces which are accessed from Golders Green Road. At the rear of the site, a large outbuilding has been constructed with a communal plunge pool and associated changing and washing facilities.

The site is located close to the corner of Golders Green Road and Limes Avenue, directly opposite the Jewish Care Building. This section of Golders Green Road is characterised by residential properties of varying types and styles.

### **2. Site History**

Reference: 18/0580/FUL

Address: 213 - 215 Golders Green Road London NW11 9BY

Decision: Withdrawn

Decision date: 14.03.2018

Description: Demolition of existing outbuilding. Erection of a replacement outbuilding with basement level including a communal Mikvah pool

Reference: 15/04047/FUL

Address: 213 - 215 Golders Green Road London NW11 9BY

Decision: Withdrawn

Decision date: 01.09.2015

Description: Conversion of upper floors into 8 no. self-contained flats including two storey front extension; first floor rear extension; alterations and extensions to roof including partial hip to gable to both sides and 4no. rear dormers; creation of a 3rd floor level to provide and additional flat; alterations to hard/soft landscaping, refuse/recycling facilities and 6no. off street parking spaces

Reference: 15/02152/FUL

Address: 213 - 215 Golders Green Road London NW11 9BY

Decision: Withdrawn

Decision date: 11.06.2015

Description: Conversion of upper floors into 9no. self-contained flats including two storey front extension; first floor rear extension; alterations and extensions to roof including partial hip to gable to both sides and 4no. rear dormers; creation of a 3rd floor level to provide and additional flat; alterations to hard/soft landscaping, refuse/recycling facilities and 6no. off street parking spaces

Reference: F/04598/11

Address: 213 - 215 Golders Green Road London NW11 9BY

Decision: Approved subject to conditions

Decision date: 16.01.2012

Description: Removal of existing outbuildings and erection of outbuilding at rear of 213 & 215 Golders Green Road incorporating a communal Jacuzzi/ plunge pool and associated changing and wash facilities.

Reference: F/02675/10

Address: 213 - 215 Golders Green Road London NW11 9BY

Decision: Approved subject to conditions

Decision date: 23.09.2010

Description: Extension to roof including front, side and rear dormer windows to facilitate a loft conversion to 213 & 215. Part single, part two-storey rear and front extension to 213 & 215.

Reference: F/01505/10

Address: 213 - 215 Golders Green Road London NW11 9BY

Decision: Withdrawn

Decision date: 27.05.2010

Description: Part single, part two storey rear extension to existing synagogue. Provision of additional 1x 1 bedroom flat in loft, following alterations to roof including wrap-around side and rear dormer and alterations to front dormer. Change of use of first floor from residential to synagogue and ancillary facilities.

Reference: F/01506/10

Address: 215 Golders Green Road London NW11 9BY

Decision: Withdrawn

Decision date: 26.05.2010

Description: First floor front and rear extension. Provision of additional 1x 1 bedroom flat in loft, following alterations to roof including wrap-around side and rear dormer and alterations to front dormer.

Reference: C01687D/00

Address: 213 Golders Green Road London NW11 9BY

Decision: Approved subject to conditions

Decision date: 26.09.2000

Description: Single storey rear extension to Synagogue.

Reference: C01687C/00

Address: 213 Golders Green Road London NW11 9BY

Decision: Approved subject to conditions

Decision date: 17.04.2000

Description: Variation to condition 5 of planning permission ref.C01687B dated 13th September 1999 which relates to the hours of use of the synagogue.

Reference: C01687B

Address: 213 Golders Green Road London NW11 9BY

Decision: Approved subject to conditions

Decision date: 17.04.2000

Description: Change of use of ground floor from residential to a synagogue. Continued residential use of first and second floors as two flats. Car parking area at front with access onto Golders Green Road. Associated car parking at front of 215 Golders Green Road.

## Enforcement

Reference: ENF/00350/15

Address: 213 - 215 Golders Green Road London NW11 9BY

Status: Pending Consideration

Nature: Building works without the consent of planning permission

Reference: ENF/01549/17

Address: 213 - 215 Golders Green Road London NW11 9BY

Status: Pending Consideration

Nature: Erection of an Outbuilding not built to approved plans

### **3. Proposal**

The application seeks retrospective permission for the erection of a part-three, part-four storey building with rooms in the roofspace, comprising of a mixed-use building with the retention of Synagogue at ground floor and residential flats above.

Permission is sought for alterations to reduce the number of self-contained units from nine to seven at upper floor levels. The proposal will remove the existing unlawful outbuilding to the rear and erect a single-storey outbuilding with basement level for the use of a Mikveh pool. The proposal also includes the provision of 6no off-street parking spaces at the front of the site with new areas for refuse/recycling facilities.

New landscaping is proposed at the front and rear of the site.

### **4. Public Consultation**

A call-in request has been received from Councillor Dean Cohen that the application should be referred to the committee for the following reason: " I would like this brought to committee as I believe the retention of the synagogue and the reduction in the unauthorised flats would then be in keeping with the character and appearance of the surrounding area. The proposal supports the use of a community and religious facility in the borough. I don't feel the proposal would have a detrimental impact on the residential amenities of neighbouring occupiers."

Consultation letters were sent to 195 neighbouring properties.  
1 response has been received, comprising 1 letter of objection.

The objections received can be summarised as follows:

- Overdevelopment
- Lack of green open space / landscaping
- Increase in noise from Mikvah
- Poor visual appearance of the proposed outbuilding

### **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 24th July 2018. 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. 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 is currently under review. 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 adopted 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.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS10, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM13, DM17

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of development and whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Provision of adequate accommodation for future occupiers;

- Highways safety and parking provision.

### **5.3 Assessment of proposals**

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

In terms of the principle, the site has historically, since 2000, been in use as a synagogue with associated ancillary office and residential accommodation on the upper levels. However, the synagogue only previously occupied the ground and first floors of one of the semi-detached properties. The retention of a synagogue use (Class D1) at ground floor level raises no in-principle policy objection as the site is located in an area of good public accessibility and is within walking distance of the Golders Green Town Centre. However, the proposal results in a significantly larger synagogue which has the space for an increased capacity and opportunity for further activities on the site. The application is not accompanied with any supporting information to detail the proposed use of the site, in terms of numbers, activities, comings and goings or highways information. Therefore, the LPA is unable to establish whether the significant intensified use of the site would have an acceptable impact on the surrounding area or the amenity of neighbouring occupiers. As such, the proposal would result in a significant increase in noise, disturbance and comings and goings which would have a cumulative harmful impact on the character of the area and the amenity of neighbouring occupiers.

The site originally consisted of a pair of two-storey semi-detached properties which received permission under reference: F/02675/10 to extend the roof and to erect part-single, part two-storey rear and front extensions. This proposal is illustrated under the submitted 'Pre-Existing' plans.

However, as illustrated by the submitted 'Existing' and 'Proposed' plans, the existing buildings were partially demolished and a significantly larger and different scheme has been constructed on site. The agent has confirmed that the two side elevations and part of the front elevation were retained but the rear elevation and roof was rebuilt from scratch. In addition, a large outbuilding was constructed within the rear grounds of the site.

In terms of layout, the ground floor footprint of the as-built main building is broadly similar to that previously existing. The difference being the as-built projects approximately 1m further forwards. The overall width of the building is similar to the existing. At first floor level, the as-built and proposed plans project further by approximately 1-3m than the previous building. The second floor has been increased considerably extending out flush to the front and side elevations. New accommodation has been provided at the top level of the roof.

From an elevational perspective, the as-built and proposed scheme is considerably different from a scale, massing and appearance perspective. The traditional and proportional features of the front gable bay windows, subordinate side and rear dormer windows have been lost and replaced with much larger and bulkier features. While the overall ridge height is only slightly higher than was existing, the as-built and proposed roof structure is significantly larger, bulkier in scale, resulting in a dominant visual appearance within the building. This is further emphasised by the roof form of the side and rear elevations.

This increased bulk and massing is particularly evident from all elevations and as such is considered to have a significant harmful impact on the character and appearance of the existing building and the streetscene.

Permission for an outbuilding incorporating a plunge pool and associated changing and wash facilities was originally granted permission in 2012 under Barnet reference F/04598/11. However, a significantly larger outbuilding was constructed unlawfully which occupied the majority of the rear area. This building is subject to enforcement action which requires the applicant to remove the building. Under this current application, it is proposed to remove the outbuilding completely and erect a new outbuilding which would be identical in scale and layout as was previously approved. In addition, the proposed outbuilding would have a basement level below but would not contain any external manifestations which would make it visible. It is considered that the scale, design and height of the proposed outbuilding would not be harmful to the character and appearance of the area.

Within the forecourt of the site, it is proposed to have off-street parking provision of 6 spaces and two separate bin storage areas at the front of the site adjacent to the public footpath. It is considered that the combined plot frontage would appear dominating within the streetscene in terms of the level of hardstanding and the requirement to have two separate refuse stores to manage the intensification of the site would introduce prominent features within the streetscene. The cumulative impact of the parking and refuse storage is considered to have a harmful effect on the character and appearance of the site and streetscene.

#### Impact on the residential amenity of neighbouring occupiers

The proposed Synagogue floor space has been considerably increased by approximately double in size. No supporting information has been submitted to describe the increase or explain how the increase will be managed on the site in terms of any associated impact on the amenities of neighbouring occupiers. Therefore, the LPA is unable to determine whether the proposal will have an acceptable impact on residential amenity.

In terms of the proposed outbuilding, it is not considered that the scale and height of the building would have any significant adverse impact on the residential amenities of neighbouring properties. Environmental Health have raised concerns regarding the potential noise / disturbance when the building is in use with previous complaints being received. However, Environmental Health have suggested a number of mitigation measures that could be incorporated to help reduce any potential impact. These include restricting the hours of use of the building, construction of acoustic fencing along the neighbouring properties and submitting an acceptable noise report.

The proposed entrance to the upper level residential flats is located along the side entrance facing No. 111 Golders Green Road. A site visit has confirmed that there are a number of windows along the side elevation of No.111. However, it is acknowledged that in the existing building, the entrance to the lady's gallery on the first floor was located in a similar position. This would likely have possible greater movements and noise /disturbances than the proposed residential units. As part of this application, the number of flats proposed is seven which will decrease the number of occupiers using this entrance. On balance, this element is considered to be acceptable.

#### Provision of adequate accommodation for future occupiers

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan. There are 9no flats (unauthorised) within the as-built existing building. However, a couple of these do not comply with the minimum space standards. As such, the proposal seeks to reduce the number of self-contained units from nine to seven. The proposal provides for 2 x 1B1P

units, 1 x 1B2P unit, 3 x 2B3P units and 1 x 3B5P unit. However, there would be a 1sqm shortfall for flat 6 and a 3sqm shortfall for flat 7.

The proposal does not provide any outdoor amenity space.

As a cumulative shortfall on both internal floorspace and with no outdoor amenity space provided, the proposal would fail to provide a satisfactory standard of accommodation for future occupiers of these units.

#### Highways safety and parking provision

Policy DM17 states that the Council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- 0 to 1 space per unit for development consisting mainly of flats (1 bedroom)
- 1 to 1.5 spaces per unit for terraced houses and flats (2 to 3 bedrooms)

The application proposes 3 x 1-bed, 3 x 2-bed and 1 x 3-bed units. Therefore, it is expected that the proposal should provide between 4 to 9 spaces. The proposal provides 6 off-street parking spaces to be sited at the front of the site.

The Council's Traffic and Development service has reviewed the proposal and stated that the site is located within a CPZ, has a good PTAL and the provision of 6 parking spaces would be compliant with policy DM17 standards. It is considered that the overspill parking from the Synagogue would generate a minimal parking stress at peak times of use and existing residents' parking amenity would not be detrimentally impacted upon. In summary, the Highways Officer considers that the proposal will not generate a significant negative impact on the performance and safety of the surrounding highway network or its users.

However, the parking arrangement at the front of the site does not provide sufficient turning space within the site. There is only an approximate separation distance of 4.5m between spaces. Therefore, vehicles do not have the ability to manoeuvre within the site and this could lead to vehicles reversing out onto Golders Green Road. As such, the proposal would result in a harmful impact on vehicle and pedestrian safety and the free flow of traffic.

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

**Overdevelopment** - The layout of the building is broadly similar to the existing building. However, the LPA shares the concern that the increased massing and bulk at the upper floor levels is excessive, out of scale and has a harmful visual impact.

**Lack of green open space / landscaping** - It is noted that historically that the site has had no or limited landscaping. New soft landscaping is proposed as part of this proposal which is considered to be an improvement upon the previous position.

**Increase in noise from Mikvah** - It is acknowledged that there have been previous noise complaints regarding the use of the outbuilding. It is unclear whether this relates to the current unlawful building, however, this is to be removed and replaced with a much smaller building which has a small capacity. Environmental Health has suggested a number of further additional mitigation measures to help limited any associated noise.

**Poor visual appearance of the proposed outbuilding** - It is acknowledged that the proposed outbuilding is of limited architectural interest. However, it will only appear as a single-storey outbuilding located at the rear of the site and is not considered to have a significant harmful impact on the character and appearance of the site or streetscene which would warrant a reason for refusal.

## **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 refuse planning permission for this proposed development will comply with the Council's statutory duty under this important legislation.

The proposed development would provide for an enlarged and improved Synagogue facility with associated outbuilding. It is stated the residential units are currently occupied by students and their families studying at the Synagogue.

However, the building has been constructed without the benefit of planning permission and a considerably larger building has been constructed than previously approved.

The Local Planning Authority does not object to the principle of a mixed-use development comprising of a synagogue at ground level with associated outbuilding and residential units on the upper levels, but considers that the proposal would result in a considerable harmful effect on the character and appearance of the site, streetscene and wider locality and the amenity of neighbouring residential occupiers. The proposal is therefore considered contrary to Policies CS NPPF, CS1, CS5 and CS13 of the Barnet's Adopted Core Strategy (2012) and Policy DM01 of the Adopted Development Management Policies DPD (2012).

The positive impacts created by the proposed development are not considered to carry sufficient material weight to justify the construction of an unacceptable and harmful building



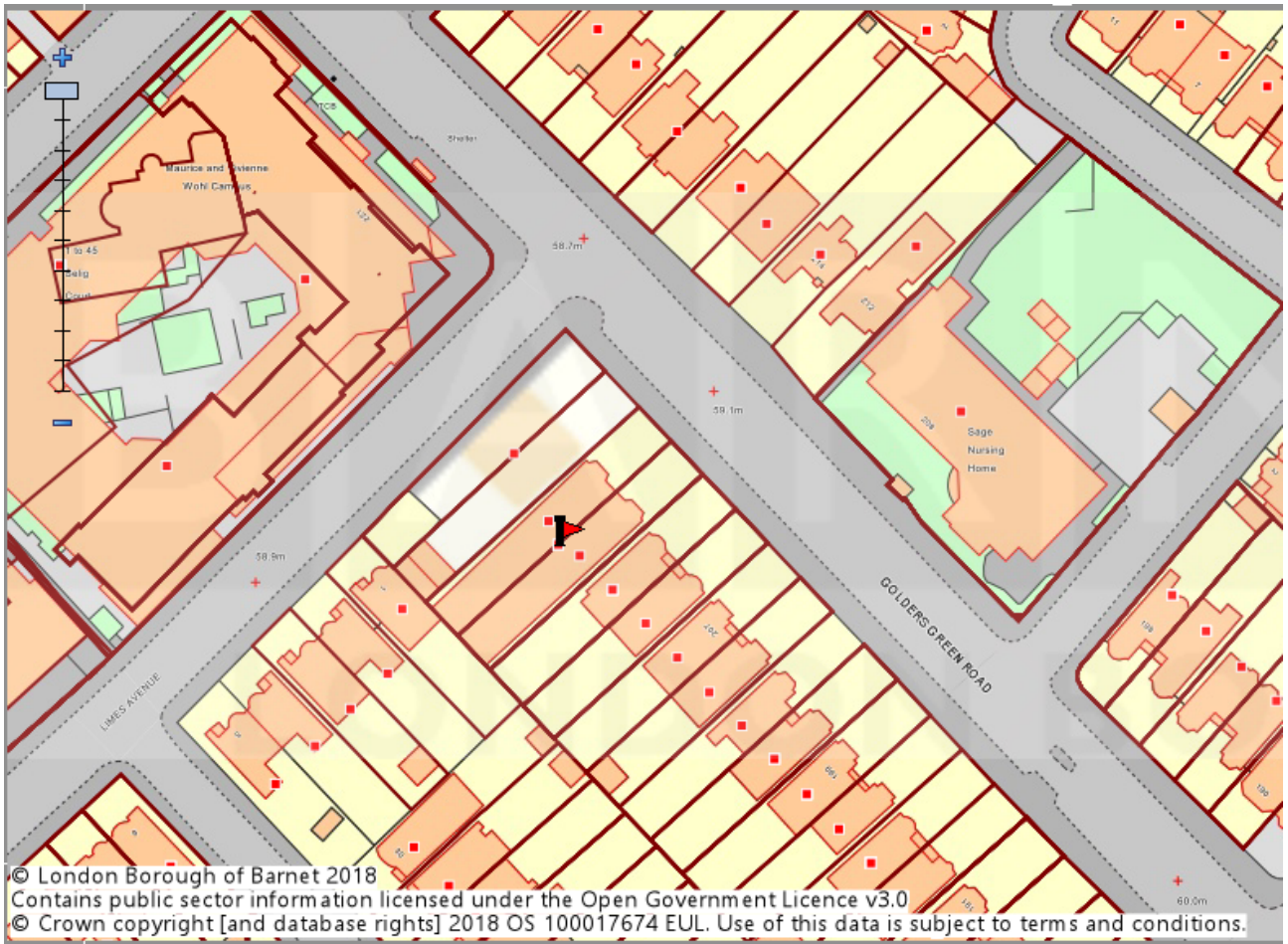
in terms of character and appearance, highway safety and amenity impacts which is contrary to policy.

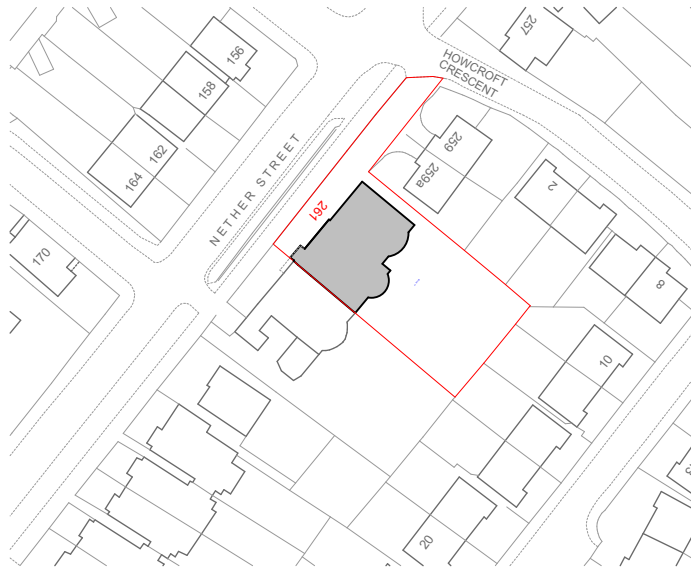
It ought to be possible to provide the positive impacts that are sought by the applicant and at the same time, by providing supporting information and/or details to justify the increased intensity of the site, construct a building that accords with development plan policy by amending and reducing the proposed design. Such improvements could include reducing the bulk, scale, massing and height of the roof structure. It is considered that it could be possible to make such changes without creating a negative impact on the protected characteristics of the users of the Synagogue.

It is considered that 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 the proposed development would have an unacceptable impact on the character and appearance of the application site, the street scene and the locality. The development is considered to have an adverse impact on the amenities of neighbouring and future occupiers. The parking arrangement within the forecourt does not provide for suitable turning space and is a highways safety issue. This application is therefore recommended for refusal.





Site Location Plan  
Scale 1 : 1250

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## Project: 261 Nether St., London N3 1PD

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Client: Mr. Mansour Malekyazdi

Scale : 1 : 100

Dwgs:  
Date: May 2018

Project No: 294

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Dwg No : PP/294 /  
Rev. :

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**Location**                                **261 Nether Street London N3 1PD**

**Reference:**                                **18/3148/FUL**                                Received: 22nd May 2018  
Accepted: 25th May 2018

Ward:                                         West Finchley                                Expiry 20th July 2018

Applicant:                                 Mansour Malekyazdi

Proposal:                                    Conversion of existing dwelling into 3no self-contained flats and 1no single family dwellinghouse. New entrance with access steps and relocation of existing entrance with new access steps. Changes to fenestration and insertion of 2no side rooflights. Associated amenity space, refuse and recycling store

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 PP/294, PP/294/00 Rev F, PP/294/01 rev F, PP/294/02 rev F, PP/294/03 rev F, PP/294/04 rev F, PP/294/05 rev F, PP/294/06 rev F, PP/294/07 rev F, 294/00LY Rev F, Parking Survey dated 25th and 26th of April 2018, Parking Report dated April 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     The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

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

- 4 The level of noise emitted from any ventilation and extraction machinery 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.

- 5 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 the \*\*\*\* 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 2015.

- 6 Prior to occupation of the development, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

Reason: 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 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 contractor's compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.

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

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

The applicant will be expected to enter into with the Highways Authority under Section 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.

- 9 Before the development hereby permitted commences, 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 and shall be provided at the site in accordance with the approved details before the development is occupied.

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).

- 10 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).

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

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

- 12 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.

- 13 Before the development hereby permitted is occupied car parking spaces as indicated on drawing No. PP/294/00LY Rev. F submitted with the planning application including the access to the parking spaces shall be provided and shall



not be used for any purpose other than parking of vehicles in connection with the approved development.

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

14 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).

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

1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

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

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

- 3 Any highway approval as part of the planning process for the reinstatement or alteration to the existing access/crossovers or provision of a new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense including any relocation of street furniture, lighting columns or amendments to parking bays affected by the proposed works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
  
- 4 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. 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](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto: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.

- 5 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

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

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

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

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

- 7 Refuse collection points should be located within 10 metres of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.

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

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

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

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

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

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;

- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

- 9 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.

Confirmation whether a mobile crusher will be used on site and if so, a copy of the

permit and indented dates of operation.

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.

Confirmation that an asbestos survey has been carried out.

## **Officer's Assessment**

### **1. Site Description**

The site features a semi-detached single family dwelling house located in a residential area of West Finchley. While the character of the area is residential in nature, it is mixed consisting of flats and single family dwellings. There are flatted properties on Nether Street for example, no's 259, 265, 269, 273 and 275.

The property has an existing two storey side extension, basement extension, two rear dormers and loft extension and garage conversion to a habitable room. The property is gated and there are two car parking spaces within the front curtilage and the property is well screened from the street by evergreen trees. There is a gradual slope downward towards the north of the site.

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

### **2. Site History**

Reference: 18/0257/FUL

Address: 261 Nether Street, London, N3 1PD

Description of Development: Conversion of existing single family dwellinghouse to create 3no self-contained flats and 1no single family dwellinghouse including extension of the existing crown roof to meet front elevation wall. Alterations to existing side dormer window. Insertion of infill roof extension between existing front gables. Creation of new entrance plus access steps and relocation of existing entrance with new access steps. Associated alterations to fenestration. Provision of new amenity space and refuse and recycling storage

Decision: Refused

Decision Date: 16.03.2018

Reference: F/02189/08

Address: 261 Nether Street, London, N3 1PD

Description of Development: Two storey side extension with rear dormer window plus extension basement, conversion of garage into habitable room. Alterations to existing loft space.

Decision: 08.09.2008

Decision Date: Approve subject to conditions

Reference: C00561

Address: 261 Nether Street, London, N3 1PD

Description of Development: Construction of first floor addition

Decision: Refuse

Decision Date: 22 December 1965

### **3. Proposal**

Planning permission is sought for the conversion of existing dwelling into 3no self-contained flats and 1no single family dwellinghouse. New entrance with access steps and relocation of existing entrance with new access steps. Changes to fenestration and insertion of 2no side rooflights. Associated amenity space, refuse and recycling store.

The proposed development follows a recently refused scheme for a similar description of development reference 18/0257/FUL which had been refused for the following 2 reasons:

1. The proposed first floor front dormer by reason of its siting and size appears bulky and out of scale with the original house and detrimental to the character and appearance of the site property. In addition, the proposed entrances and associated alterations to the front elevation of the building represents an incongruous and disproportionate addition to the host property, detrimental to the character and appearance of the building, immediate streetscene and area, contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2013).

2. The proposed development would provide insufficient parking to serve the development, and insufficient information has been provided to demonstrate that the development will provide access to the parking spaces and that these would remain available for future occupiers. This would result in a harmful impact on highway and pedestrian safety and be detrimental to the free-flow of traffic, contrary to policy 6.13 of the London Plan and policies CS9 and CS15 of the Local Plan Core Strategy (adopted September 2012), and Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012).

The current proposal is for 1x single family dwelling and 3x 1bed 2 persons units. The plan originally submitted showed 4 spaces, however these could not be independently accessed. There is capacity for two car parking spaces to be parked parallel to each other within the forecourt and amended plans have been submitted to show this. Refuse bin storage will be sited along the northern side boundary of the site which will be levelled off and this will be secured by way of condition. Amenity space is provided for and again, further details are secured by way of condition. There are no significant changes to the rear of the building other than the insertion of one additional set of windows in the dormer at second floor level.

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

Consultation letters were sent to 109 neighbouring properties.

0 comments, 0 letters of support, 0 representations were received.

7 objections were received and are summarised as follows:

- Not in keeping with the character of the houses in West Finchley.
- Additional traffic will impact on Nether Street, create parking problems
- Impacts on amenity of residents in terms of potential noise, lighting, security and the appearance of extra bins is not visually desirable
- Manoeuvrability and parking space at 289/289a would jeopardise patient access to the medical practice at 259.
- The space available for two cars is tight side by side and the front cars would block be blocked by the rear pair of parked cars on the drive.
- The proposed new roof corner porch, the proposed bulky new front roof and dormer will block day light to the adjacent property 259A
- Whilst the West Finchley Residents Association recognises an improvement in the design of the front elevations from earlier applications, the proposal to create a house and 3 flats is considered over-development of this site which is currently a single home.

Internal consultees:  
Highways officer

"The proposal is for the conversion of the existing single-family dwelling into 3 self-contained units comprising 3x1bedroom units and a 1x3bedroom unit. 2 existing parking spaces are being retained and reconfigured as part of the development proposal.

The site is located within PTAL rating of 2.

The applicant undertook a parking beat survey in accordance with the Lambeth Methodology on 25th and 26th April 2018. The survey indicated that there are parking spaces available on roads in the vicinity of the site for any potential overspill parking that may result from proposed development.

Drawing no. PP/294/00LY Rev. F was submitted showing the reconfigured parking layout with 2 parking spaces which is acceptable on highway grounds.

The access to the proposed parking spaces is via a service road, shared with other properties. The applicant also provided a confirmation as requested that he has the right of way over the service road.

Cycle parking and cycle storage facilities should be provided in accordance with the London Plan Cycle Parking Standards.

Refuse storage facilities are provided at ground floor level in accordance with the Councils' standards.

The application is recommended for approval on highways grounds, subject to conditions.

Environmental Health officer

No objection 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 24 July 2018. 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)
- Sustainable Design and Construction SPD (adopted October 2016)

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether the principle of flats is acceptable and impact on the character of the area
- Whether the proposal would be a visually obtrusive form of development which would detract from the character and appearance of the street scene
- Whether harm would be caused to the living conditions of neighbouring and future residents
- Whether the proposals would have an acceptable impact on highway and pedestrian safety
- Whether there is a sufficient level of amenity for future occupiers
- Whether the development would be sustainable

### **5.3 Assessment of proposals**

The following changes have been made since the previously refused scheme:

The current scheme has omitted the first floor front dormer, in addition it has moved the new entrance for the house from the front to the side of the property and modified the alterations to the front of the building. Therefore, officers consider this change overcomes the first reason for refusal.

Highways had raised concerns, and following their advice a car parking layout plan and parking survey was submitted for review. The additional information provided by the agent is considered acceptable on highway grounds by highway officers and therefore, officers consider the second reason for refusal has been overcome.

#### Whether the principle of flats is acceptable and the impact on the character of the area

Policy DM01 states that the loss of houses in roads characterised by houses will not normally be appropriate. It also states that 'Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding

buildings, spaces and streets.' It goes on to advise that 'Conversion of dwellings into flats in roads characterised by houses will not normally be appropriate.'

The site is located on Nether Street N3 1PD. Nether Street is characterised by a mixture of dwellings including flats and single family dwellings. In addition, there are examples of previously approved house to flat conversions on this part of the street. As such, the conversion of the property into flats would be acceptable in principle.

Whether the proposal would be a visually obtrusive form of development which would detract from the character and appearance of the street scene

Since the recent refusal the applicant has reduced the number of entrances from three to two and the location for one new entrance has been moved from the front to the northern side of the building. The existing property is accessed via an existing front porch with stepped access. The current proposal will move the existing front access to the western side or rather the right most corner sited to the front of the building. During discussions with the agent the second access had been moved from the front of the building to the northern side of the building, alongside 259A Nether Street. Although not formally designated, the application site is an attractive building and it is considered important to ensure any works appear subservient to the main building and relate well to its appearance. It is considered that the proposed new front entrance replicates the existing entrance in terms of scale and design, and as such, will respect the main house.

In comparison to the previously refused scheme, the first floor front dormer and alterations have been omitted. There will be two ground floor front windows proposed for the single storey side element which will match the existing windows of the main building. The front windows will add to the symmetry and traditional design of the building and is considered to reflect the character of the existing building. The proposal is acceptable and complies with policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

The alteration to the existing basement will include a new internal staircase, and will provide for a gym and sauna for the new dwelling house. As this is subterranean in nature and a minor alteration to the existing building it is considered acceptable in terms of council policy and guidance.

To the front of the roof, there is a small extension to link the 2 existing roof forms.. This will be visible on the front elevation to a degree but the property is well screened from the street. New rooflights are proposed which will allow more light to penetrate into the second floor top flat and to contribute to a good living environment for future occupiers of the top floor flat.

The agent had been advised to relocate bin and cycle storage because it had previously appeared to be sited on the vegetated strip of land (which appears to be Council owned) to the front of the site. Both refuse bin and cycle storage is to be re-located along the northern boundary of the site, and further details will be secured by way of conditions.

Quality of accommodation for future occupiers

The dwelling will provide for approximately 233.4sqm for a three bedroom four person property and exceeds the London Plan space standards. The remaining three 1 bedroom 2 person units will provide for unit 1-87.6sqm, unit 2-100sqm and unit 3-91sqm, all well above the London Plan space standards.

The proposed units comply with the minimum floor area standards in accordance with the London Plan 2015 and Barnet's SPD Sustainable Design and Construction. In terms of private amenity space, Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5m<sup>2</sup> per habitable room. The submitted plans illustrate the rear garden to occupy 440sqm, which far exceeds the minimum amenity space requirements. The single family house will be provided with a private garden. No details of sub-division or a communal arrangement have been provided, but it is considered that a suitable level of amenity space, either private or communal could be provided to serve the three units and family dwelling. Further details, will be secured by way of condition.

The proposed internal stacking is considered appropriate and acceptable, helping to ensure a minimum of noise disturbance between the units. Sound insulation between units should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to the relationship both horizontally and vertically to neighbouring residential units. The applicant should achieve the required sound insulation levels; this will be enforced by an appropriate condition attached to the decision.

Table 2.4 of Barnet's Sustainable Design SPD (October 2016) sets out the minimum glazing requirements for habitable rooms in a new residential unit. It states that glazing to all habitable rooms should not be less than 20% of the internal floor area of the room and the habitable rooms should have an adequate level of outlook. The ground and first floor floors will be dual aspect and will receive adequate outlook. However, officers had concern about the provision for the top floor flat. The applicant has inserted one additional set of windows in the second floor rear elevation, which will increase the amount of light entering the top floor flat. On balance, it is considered that, given that the living area will benefit from reasonable light and outlook, the fact that the bedroom is served by rooflights does not warrant refusal in itself.

The refuse and recycling bins are to be located on the northern boundary of the property. It is considered that further details of the refuse storage and cycle spaces can be secured by way of condition.

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

The proposal would result in an increased number of persons and visitors, creating increased comings and goings to and from the site. However given the siting on Nether Street, a relatively busy road, it is considered that any additional noise and disturbance arising from the development would not unduly affect the amenities of neighbouring properties.

In terms of external alterations, the new entrance to be sited near the northern boundary of the site on the side elevation is minimal in nature and as such will not appear bulky. Two rooflights will be inserted which are flush with the roof on the north side elevation and an additional window in the rear dormer and and it is considered that these will not impact on the amenity of occupiers at no. 259A Nether Street. While there will be an increase in comings and goings, it is acknowledged that the character of the area is mixed in nature, in addition this site is rather large with two distinct entrances which will alleviate any significant harm to the detriment of the amenities of neighbouring occupiers.

It is considered that, subject to conditions , the proposal is acceptable on amenity grounds.

#### The impact on Highway and Pedestrian Safety

The proposal is for the conversion of the existing single-family dwelling into 3 self-contained units comprising 3x1bedroom units and a 1x3bedroom unit. 2 existing parking spaces are being retained and reconfigured as part of the development proposal.

The site is located within PTAL rating of 2.

The applicant undertook a parking beat survey in accordance with the Lambeth Methodology on 25th and 26th April 2018. The survey indicated that there are parking spaces available on roads in the vicinity of the site for any potential overspill parking that may result from proposed development.

The access to the proposed parking spaces is via a service road, shared with other properties. The applicant also provided a confirmation as requested that he has the right of way over the service road.

The application originally showed 4 parking spaces, however during the application process, amendments were sought as the parking spaces were not capable of independent use. Highway officers sought additional information about parking stress in the area and access rights. To address this concern, the agent provided a land registry plan showing right of way and submitted a parking survey using the Lambeth Methodology which showed that there are available spaces on the street.

Upon receipt and review of the requested additional information, highways officers raised no objection to the scheme, subject to conditions.

#### Accessibility and Sustainability

In respect of carbon dioxide emission reduction, a condition is suggested to ensure compliance with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements.

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

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

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

The majority of issues raised have been addressed within the assessment sections of the report.

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

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

### **7. Conclusion**

Having taken all material considerations into account, it is considered the proposal will be in keeping with the main building, character of the area and will not harm the amenities of neighbouring occupiers. The application is therefore recommended for APPROVAL.



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**Location**                      **The Hippodrome North End Road London NW11 7RP**

**Reference:**                    **18/4397/LBC**

Received: 16th July 2018

Accepted: 17th July 2018

AGENDA ITEM 17

Ward:                              Garden Suburb

Expiry 11th September 2018

Applicant:                      Mr Razi Zadeh

Proposal:                        Refurbishment of kitchen and instalment of fan extractor

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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:

01 Rev A (Site Plan and Design Statement)

02 Rev A (Existing Plan)

03 Rev B (Proposed Plans)

Noise Impact Assessment

R02 6 Rectangular Silencer

Airclean Air Filter

Airclean General Purpose Bag Filters

Helios Brochure

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 and DM06 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This work must be begun not later than three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- 3 All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 4 The level of noise emitted from the ventilation / extraction 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.

**Informative(s):**

- 1 In accordance with paragraphs 38-57 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 North End Road, in front of the underground station and within Area 2 of the Golders Green Town Centre Conservation Area. The application property is a Grade II listed building, built in 1913 and formerly used as a radio studio and concert space for the BBC. It is currently being used as an Islamic Centre.

### **2. Site History**

Reference: 18/2595/LBC

Address: The Hippodrome, North End Road, London, NW11 7RP

Decision: Approved subject to conditions

Decision Date: 03.07.2018

Description: Toilet refurbishment

Reference: 17/5846/S73

Address: The Hippodrome, North End Road, London, NW11 7RP

Decision: Pending consideration

Decision Date: N/A

Description: Variation of conditions 1 (Hours of Opening) and 2 (Use) of planning permission reference C00222W/07 dated 16/03/2007 for 'To use building as a church to enrich community with schemes for children, unemployed, elderly etc. To hold concerts, conferences, drama and dance festivals.' The variations are: 1) Alter the wording of condition 1 to Increase opening hours by one hour from 8:00am - 11.30pm to 8:00am - 12.30am on any day of the week; 2) Alter the wording of condition 2 to read 'place of worship' rather than church.

Reference: 16/2773/ADV

Address: The Hippodrome, North End Road, London, NW11 7RP

Decision: Approved subject to conditions

Decision Date: 25.10.2016

Description: Installation of 1no. replacement bus shelter including 1no. double-sided digital display advertising unit at departure end of the structure.

Reference: F/02981/14

Address: The Hippodrome, North End Road, London, NW11 7RP

Decision: Approved subject to conditions

Decision Date: 07.08.2014

Description: Erection of a commemorative blue plaque at the Hippodrome Theatre in Golders Green.

Reference: F/00239/11

Address: The Hippodrome, North End Road, London, NW11 7RP

Decision: Approved subject to conditions

Decision Date: 27.05.2011

Description: Retention of internal restoration work including; removal of internal walls and insertion of new shelving and seating. LISTED BUILDING CONSENT

### 3. Proposal

The application seeks listed building consent for the refurbishment of the existing kitchen and installation of new extraction / ventilation system.

The proposal has been amended during the course of the application to include the following changes:

- Length and overall height of proposed flue has been reduced.

### 4. Public Consultation

A site notice was posted on 26.07.2018 and an advertisement was published in the Barnet Press on 26.07.2018.

14 letters have been received, comprising 14 letters of objection.

The objections received can be summarised as follows:

- Listed building should not be modernised and replaced to a new interior;
- Professional kitchen is not appropriate;
- Insufficient details submitted;
- Proposal will result in an increased intensity of the site;
- Proposal will result in increased noise, traffic, parking, pollution;
- Proposal will increase social unrest;
- Proposed change of use of centre is still being considered;

#### Consultee Responses

**Urban Design & Heritage** - No objections following amendments.

**Historic England** - On the basis of the information provided, we do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions, details of which are attached.

**Environmental Health** - No objections.

### 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 24th July 2018. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the National Planning Policy Framework at paragraph 190 sets out that the local planning authority should identify and assess the particular significance of any heritage asset...They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

### 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 is currently under review. 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 adopted 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.

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

## **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 as a building of special architectural or historic interest.

## **5.3 Assessment of proposals**

The Golders Green Hippodrome is designated as a Grade II listed building. Its listing on the Historic England website states the following:

*Former variety theatre, now concert hall and studio, 1913 by Bertie Crewe. Brick and concrete, rendered on main facades, with partial steel frame, asphalt roof with octagonal cupola. Rectangular plan on prominent corner site, where lies the entrance. Main facade of three storeys and seven bays faces bus station to side between rusticated stair towers with Diocletian attic windows. Giant Ionic order, with pediments over second floor windows. All windows small paned casements, some with coloured leaded glass. Exit doors in centre, formerly giving access to the pit and gallery, are panelled with small coloured leaded lights. Elevation to North End Road similarly seven bays between rusticated towers, with Ionic order and smaller casements but identical exit doors. Corner entrance has three double panelled doors with bevelled glass between Tuscan columns.*

*Interior. Entrance foyer with moulded dentil frieze and thin swags leads to terrazzo-floored stairs. Doorcases to stalls and circle entrances have fluted Egyptian-inspired columns and swags. Auditorium with proscenium, extended stage and two circles, the upper partially blocked. Square proscenium with triglyph cornice and deep cove is flanked by giant Doric columns separating boxes; above these are urns and pediments surmounted by charioteers pulled by lions. Double doors at sides of balconies, the upper pedimented and with a frieze of heads and swags over, the lower with engaged Doric columns in front supporting serpentine ends of gallery. Plaster panels and pilasters on side walls. The upper balcony front pure Doric, the lower with more Renaissance loucheness. Coffered ceiling.*

*Listed as a rare example of a surviving suburban theatre, largely intact.*

Section 16(2) of the Planning (Listed buildings and Conservation Area) Act 1990 states that 'In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

In addition, Policy DM06 of Barnet's Development Management Policies DPD states that there will be a presumption in favour of the conservation of listed buildings.

After conducting a site visit with the Conservation Officer, it is acknowledged that the interior of the existing kitchen contains no architectural or historic features. The previous kitchen facilities have been removed, however, there remains the existing extraction ducting that leads to the external plant. Given the proposal simply seeks to replace and reconfigure the existing facilities, the Conservation Officer is satisfied that the principle of these works would not constitute harm to any significance of this area of the heritage asset.

Externally, a new extractor flue is proposed. The overall height of the flue has been significantly reduced during the application and is considered more reflective of the existing low-level collection of extraction units in this area. The rear elevation faces onto the underground tracks and associated buildings. The public visibility of this elevation is limited and this elevation has lesser architectural merit. As such the proposal is considered a less intrusive solution and will not be detrimental to the heritage asset.

Having regard to the above, no material harm to the designated heritage asset has been identified and therefore the proposal is considered to be compliant in accordance with Policy DM06 of the Development Management Policies. Due regard has been given to the provisions of Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990.

## **5.4 Response to Public Consultation**

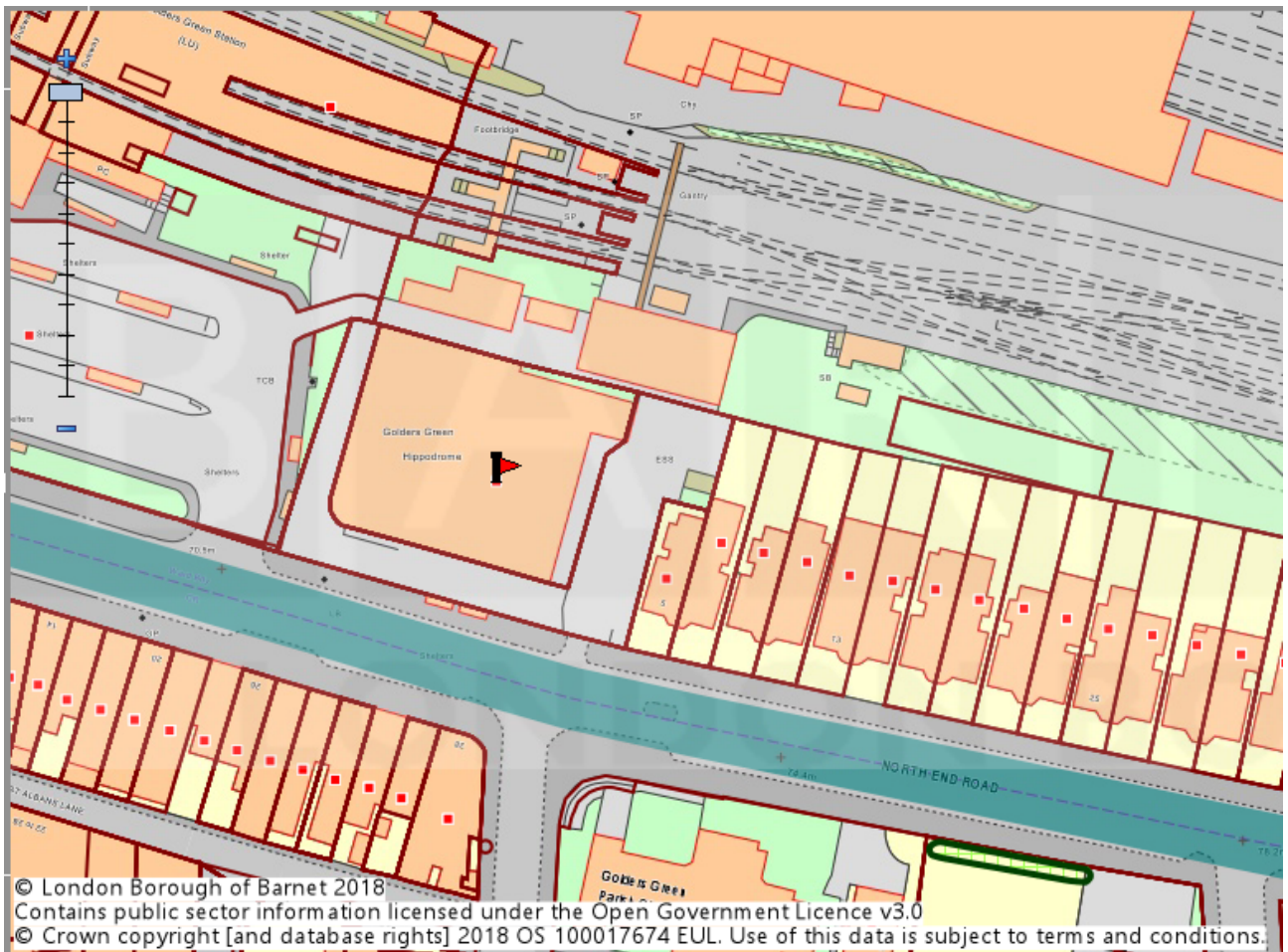
A number of comments have been received which raise a number of concerns relating to the use of the building, increase in noise, traffic and parking. However, the application submitted is for listed building consent and the issues raised are not material to the consideration of this proposal.

## **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 compliance with the attached conditions, the proposed development would have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This application is therefore recommended for approval.



**Location**                    **22 & 24 Dollis Avenue Finchley London N3 1TX**

**Reference:**                **18/4405/FUL**

Received: 16th July 2018

Accepted: 17th July 2018

**AGENDA ITEM 18**

Ward:                        Finchley Church End

Expiry 11th September 2018

Applicant:                N/A

Proposal:                    Demolition of existing buildings. Erection of two-storey building comprising of 9no residential apartments with rooms in roof space and basement level. Parking for 15no cars at basement level, cycle parking for 20no cycles and refuse storage. Associated new fencing, landscaping, and amenity space

**Recommendation:** Approve subject to conditions

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. ASP.18.065.001; Drawing no. ASP.18.065.002; Drawing no. ASP.18.065.003; Drawing no. ASP.18.065.004; Drawing no. ASP.18.065.005; Drawing no. ASP.18.065.006; Drawing no. ASP.18.065.100; Drawing no. ASP.18.065.101; Drawing no. ASP.18.065.102; Drawing no. ASP.18.065.103; Drawing no. ASP.18.065.104; Drawing no. ASP.18.065.200; Drawing no. ASP.18.065.201; Drawing no. ASP.18.065.202; Drawing no. ASP.18.065.203; Drawing no. ASP.18.065.204; Drawing no. ASP.18.065.205; Drawing no. ASP.18.065.300; Drawing no. ASP.18.065.400 Proposed Street Visual 1; Drawing no. ASP.18.065.401 Proposed Street Visual 2; Drawing no. ASP.18.065.402 Proposed Street Visual 3; Arboricultural Assessment and Method Statement by Barrell Tree Consultancy Dated 24th February 2017 ref 14390-AA-MW; Tree Protection Plan Barrell Plan Ref: 14390-BT1; Sustainability and Energy Statement by JS Lewis Ltd dated February 2017; Planning and Design and Access Statement by JMS Planning and Development Ltd dated June 2018; Planning Statement by JMS Planning and Development Ltd dated June 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 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD



(adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 6
- a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.
  - b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

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

- 7
- 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).

- 8 Prior to occupation of the development the proposed parking spaces within the parking area as shown in Drawing No. ASP.18.065.100 submitted with the planning application and the access to the parking area from public highway shall be provided and the access to the parking spaces shall 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.

- 9 Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the approved parking spaces to be provided with electric vehicle charging facilities, 20% active and 20% passive in accordance with the London Plan. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason:

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

- 10 Notwithstanding the plans submitted, prior to the commencement of the development details of the layout, gradient and design of the access ramp to the basement car parking area and vertical clearances along the ramp and within the parking area and the access to the parking area from public highway shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out nor shall it be subsequently operated otherwise than in accordance with the approved details.

Reason:

In the interests 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.

- 11 The development shall thereafter be implemented in accordance with the cycle parking and storage details indicated on the hereby approved drawing no. ASP.18.065.100 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.

12 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 2016.

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 prior to the occupation of the hereby approved development.

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

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

15 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing no.20 Dollis Avenue and The Lintons, 26 Dollis Avenue 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.ng.

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

- 16 The layout of the residential units as indicated on the hereby approved plans shall be implemented and retained as such thereafter.

Reason:

To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012), and the Residential Design Guidance SPD (adopted October 2016).

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

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

- 18 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10.41% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 19 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 London Plan (Adopted 2016) and the 2016 Mayors Housing SPG.

- 20 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 London Plan (adopted 2016) and the 2016 Mayors Housing SPG.

- 21 The amenity space shall be implemented in accordance with the details indicated on the hereby approved Drawing no. ASP.18.065.002 before first occupation or the use is commenced and retained as such thereafter.

Reason:

To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 22 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).

- 23 a) Before the development hereby permitted is first occupied, details of privacy screens/ enclosures around terraces to be installed shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).

**Informative(s):**

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
  
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

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

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

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

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

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

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

## Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

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

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

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

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

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

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

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

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

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

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

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

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

- 7 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.
- 8 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised



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

## Officer's Assessment

### 1. Site Description

The application site is at present comprised of two large detached dwellings located on the northern side of Dollis Avenue within the Finchley Church End Ward. The properties are not listed nor do they lie within a conservation area.

Although the area is predominantly characterised by single family dwellings, there are examples of flatted developments in the immediate vicinity, including to the north at the development known as The Lintons (no.26 Dollis Avenue) and directly opposite at the development known as Primrose Court.

The existing properties benefit from off-street parking and a large forecourt. The existing properties are two storeys in height with accommodation in the roof space. No.22 Dollis Avenue benefits from a large single storey outbuilding connected to the main dwelling along the boundary with no.20 Dollis Avenue.

There are changes in the ground levels with the existing dwellings lying at a higher level than the highway.

There are numerous trees on the site and adjacent land however none are covered by a Tree Preservation Order.

### 2. Site History

Reference: 17/1363/FUL

Address: 22 & 24 Dollis Avenue, London, N3 1TX

Decision: Refused (Committee Overturn)

Decision Date: 09 November 2017

Description: Demolition of existing buildings. Erection of two-storey building comprising of 9no residential apartments with rooms in roof space and basement level. Parking for 15no cars at basement level, cycle parking for 20no cycles and refuse storage. Associated new fencing, landscaping, and amenity space

Reason for refusal:

1. The proposed development by reason of its size, footprint, massing, and width would be an overdevelopment of the site, appearing unduly obtrusive and detrimental to the character and appearance of the streetscene and general locality. The proposals would be contrary to policy DM01 of the Adopted Barnet Development Management Policy 2012 and policy CS5 of the Adopted Barnet Core Strategy 2012.

Appeal status: Appeal pending. The Local Planning Authority's Statement of Case is due on the 23rd October 2018

Reference: F/04503/08

Address: 22 Dollis Avenue, London, N3 1TX

Decision: Lawful

Decision Date: 19 January 2009

Description: Erection of ground floor side and rear extension and first floor rear extension. Alterations to roof including side dormers.

Reference: F/00153/13

Address: 22 Dollis Avenue, London, N3 1TX

Decision: Approved subject to conditions

Decision Date: 19 March 2013

Description: Extension to roof including two side dormer windows to facilitate a loft conversion. First floor side extension.

Reference: F/02469/08

Address: 22 Dollis Avenue, London, N3 1TX

Decision: Refused

Decision Date: 3 September 2008

Description: Erection of ground floor side and rear extension and rear first floor extension. Extension and alteration to existing roof including new rear balcony, front dormer and solar panels.

Reference: C10607A/05

Address: 22 Dollis Avenue, London, N3 1TX

Decision: Refused

Decision Date: 12 December 2005

Description: Alteration to roof including gable end to front elevation and dormer window to side to extend existing loft conversion. Part single, part two-storey rear extension. Two-storey side extension. First floor side extension.

Reference: F/03294/10

Address: 24 Dollis Avenue, London, N3 1TX

Decision: Approved subject to conditions

Decision Date: 17 November 2010

Description: Formation of ground floor side extension to adjoining garage. First floor extensions to both sides and front elevations. Alterations to roof including extension of ridge-line and addition of a rear dormer (Amendment to planning application reference C/12313/D/05 dated 06/06/05)

Reference: C12313D/05

Address: 24 Dollis Avenue, London, N3 1TX

Decision: Approved subject to conditions

Decision Date: 6 June 2005

Description: Formation of ground floor side extension adjoining garage. First floor extensions to both sides and front. Alterations to roof including extension of ridge-line and addition of rear dormer. (Amendment to Appeal decision ref: APP/N5090/A/03/1118648 dated 18/03/2004.)

Reference: C12313B/02

Address: 24 Dollis Avenue, London, N3 1TX

Decision: Refused

Decision Date: 24 January 2003

Description: Part single, part two storey side and front extension facing 22 Dollis Avenue. Two storey side extension facing 26 Dollis Avenue. Enlarged roofspace involving formation of rear former window and elevational alterations.

Reference: C12313A/01

Address: 24 Dollis Avenue, London, N3 1TX

Decision: Approved subject to conditions

Decision Date: 25 May 2001

Description: Two storey side extension.

### 3. Proposal

The applicant seeks planning consent for the demolition of the existing dwelling houses and erection of a two-storey building comprising of 9no residential apartments with accommodation in roof space and basement level. The development would include parking for 15no. cars at basement level, cycle parking for 20no. cycles and refuse storage at basement level also. In addition, there would be new fencing, and associated landscaping and amenity space.

The current application follows on from the previously refused application 17/1363/FUL. This application was recommended for approval by Officers however was an overturned decision by the FGG Area Planning Committee at the meeting on the 1st November 2017. The applicant is currently appealing the decision (as detailed above in the history section). The current application is the same as the previously refused application apart from the removal of the rear terrace; the applicant has provided additional information in terms of visualisations and recent comparable decisions within the vicinity.

The unit mix would be as follows:

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

The proposed building would be set 2.4m from the boundary with no.26 Dollis Avenue (The Lintons) at the front and a minimum of 0.8m at the rear, although the rearmost section of the building would be set further away from the boundary. The proposed building would be set 2m from the boundary with no. 20 Dollis Avenue measured at the front and 2.2m measured at the rear.

Due to the bend in the road at this position, the buildings on this side of the road follow a stagger. The building line would be comparable to The Lintons, although recessed by 0.5m, and would project approximately 4.6m beyond the front elevation of no. 20 Dollis Avenue (2.8m beyond the front elevation of single storey garage of no.20 adjoining the boundary with the host site).

The building would have a maximum depth of 18m, although there are recessed sections at the front and rear elevations. The building would have a maximum width of 29.4m, although the building is narrower at the rear and set 4m from the boundary with no.20 Dollis Avenue and 3m from the boundary with no 26 Dollis Avenue (flatted development).

The building would be set at a higher level than the streetscene with an access ramp to the main entrance. The section of the building adjacent to The Lintons (no.26) would be set at a lower level by 0.5m to appear subordinate.

The ramp into the basement would be situated adjacent to no.20 Dollis Avenue. The building would have a crown roof with front and rear dormers.

The section of the building near no.26 The Lintons is set lower to appear subordinate. The building has also been sited towards the rear by 0.2m along The Lintons boundary and 2m along the boundary with 20 Dollis Avenue.

## 4. Public Consultation

Consultation letters were sent to 122 neighbouring properties. 20 responses have been received, comprising 20 letters of objection.

The objections received can be summarised as follows:

- Loss of family homes;
- Tipping the balance from number of flats and houses on the road;
- Road dominated by flatted development and associated traffic impacts;
- Loss of houses would affect character of Dollis Avenue;
- The application is the same and the developer has not addressed the previous concerns of the refusal;
- Width of the building is exceptional compared to others on Dollis Avenue;
- Excessive scale, bulk and massing;
- Inappropriate design;
- Overbearing terrace appearance;
- Heightened parking pressures/ two spaces required per flat plus visitors;
- Road already overdeveloped;
- No affordable housing provision;
- Overdevelopment due to its size, footprint, mass, and width;
- Loss of trees;
- Construction vehicles ruining the surface of the road;
- Disruption and nuisance during construction (in terms of noise, dirt and accessibility);
- Damage to neighbouring structures/ road due to excavation;
- Already many unsold flats on the road.

In addition, a 90 signature objection letter was received which detailed two requests from the Council:

- Reject the proposed planning application; and
- Fully consult with local residents on any future proposals.

A site notice was erected on the 16th August 2016.

## 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 24th July 2018. 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, creates better places in which to live and work and helps make development acceptable to communities... being clear about design expectations, and how these will be tested, is essential for achieving this'. 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 is currently under review. 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 adopted 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.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS10, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17.

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

#### Supplementary Planning Documents

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:

- Principle of 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 future occupiers
- Impact on Trees
- Highways
- Sustainability Measures

## 5.3 Assessment of proposals

### Background

As mentioned above, an application was previously refused on the site under reference 17/1363/FUL for the following development:

"Demolition of existing buildings. Erection of two-storey building comprising of 9no residential apartments with rooms in roof space and basement level. Parking for 15no cars at basement level, cycle parking for 20no cycles and refuse storage. Associated new fencing, landscaping, and amenity space".

The proposal was recommended for approval by Planning Officers, however the recommendation was overturned by the FGG Area Planning Committee on the 1st November 2017. The application was refused for the following reason:

"The proposed development by reason of its size, footprint, massing, and width would be an overdevelopment of the site, appearing unduly obtrusive and detrimental to the character and appearance of the streetscene and general locality. The proposals would be contrary to policy DM01 of the Adopted Barnet Development Management Policy 2012 and policy CS5 of the Adopted Barnet Core Strategy 2012."

The current application is the same as the previously refused application, apart from the removal of the previously proposed rear terrace. The applicant has also provided additional visualisations to indicate what the proposed building would look like from streetscene. Furthermore, the applicant has provided a summary of similar development/ flatted conversion on Dollis Avenue as supporting evidence.

The previously refused application has been appealed and this is currently being assessed by the Planning Inspector; the Local Planning Authority's Statement of Case is due on the 23rd October 2018.

### 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.

The houses are not considered to be of particular architectural merit, they are not listed nor do they lie within a conservation area. As such the principle of demolition is considered acceptable.

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.

Policy DM01 part h) which seeks to protect the character of Barnet states that the 'conversion of dwellings into flats in roads characterised by houses will not normally be appropriate'. Although the area is predominantly comprised of single family units, there are some examples of flatted development in the immediate vicinity. Directly to the north of the site, lies a block of 8 flats known as Lintons (at no.26 Dollis Avenue) and directly adjacent to the site lies another block of 7 flats known as Primrose Court. More recently planning permission was granted at no.21 Dollis Avenue for the erection of a block of 5no. flats (reference F/04800/14) and no. 14 Dollis Avenue was granted permission at appeal for 6no. flats with basement parking and accommodation (planning reference F/02194/12). No.13 was granted consent for flats to replace a previously converted block of flats (F/00610/12). No.35 was refused planning consent for a block of 4no. flats (17/4984/FUL) and the decision is currently being appealed, however the application was not refused for the principle of flats.

Considering this, the principle of a flatted accommodation on this section of the road is considered to be acceptable. It must be noted that the previous application was not refused on the principle of development.

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

The application site has benefits from a PTAL of 3, which is considered to be average, and is considered to fall within a suburban setting as defined in the London Plan. The London Plan Density Matrix suggests a range of 35-95 units per hectare. Taking the site area of 0.17ha, the proposal for 9 flats would equate to a density of 52.94 units per hectare which is within the recommended range as specified in the London Plan density matrix. The proposed density range is considered to be appropriate; however, is not the only consideration to determine whether development is suitable.

The NPPF (adopted 2018) stipulates that planning decisions should "optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development" and development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. This will be discussed in more detail in the following sections.

The proposed development would result in the loss of two 6 bedroom dwelling houses. Policy DM08 stipulates that for market housing, the highest priority is for family homes of 4 bedrooms. Whilst smaller units are proposed, all of which exceed the minimum space standards, the overall increase in the number of units, including 2bed and 3 bed units is considered to outweigh the loss of the larger dwellings due to the overall associated benefits of adding to the housing stock. The scheme is a minor application and would include a suitable mix of units for the area. As such it is considered to be acceptable in principle.

#### Impact on the character of the area

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. However, whilst the NPPF



advocates that planning should not attempt to impose architectural styles or particular tastes it is considered proper to seek to promote or reinforce local distinctiveness.

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

The building line is considered to be appropriate and responds to the curve of the road. Whilst the building would project beyond the front elevation of no.20 Dollis Avenue, this would not be uncharacteristic for this section of the road, and given the distance between the properties, it is not considered to appear overbearing. Similarly, the building line at the rear would be in keeping with the building depth of other properties in the road, with the central projection set away from the common boundaries.

The design of the building is traditional and simple, reflective of some of the other buildings on the road including no. 14 Dollis Avenue, which although granted approval at appeal, still constitutes the character of the road. Details of materials would be secured by a condition.

The proposed building would be set lower than the ridge of the existing properties and in terms of the height of the building, this is considered to be appropriate. Whilst the proposed building would span across the site with no gap in between (as with the existing detached dwellings), the building includes a mixture of recesses and forward projections to reduce the prominence of the building and break-down the massing. Similarly, the section adjacent to The Lintons has been set 0.5m lower than the main building including the secondary entrance to appear subservient and the building reads as two cores, with the left-hand section sited at a lower level thus reducing the prominence of the building. Planning officers consider that the building is of an appropriate scale for the large site.

The immediate vicinity is comprised of a mixture of mainly large detached houses and some flats, of varying forms, plot widths and size of buildings; whilst there is some pattern in the style of small groups of buildings, it is not considered that there is a strong rhythm. Furthermore, due to the variety between the types of buildings including siting on the plot, there is not a strong continuity in the spacing between buildings themselves. It is therefore considered that whilst the span of the building would not allow views through the centre of the site as existing due to the spacing between the two dwellings, this would not be out-of-character or detrimental to the general streetscene.

Whilst the Residential Design Guidance SPD stipulates that front dormers will not normally be considered acceptable, there are other examples of front dormers in the vicinity and these would not be out-of-character. The dormers both at the front and rear are modest in size and appear subordinate.

With regards to the basement, the Council's Residential Design Guidance SPD stipulates that "for new residential development, basements should generally be limited to the proposed footprint and volume of the house or building... [although] in larger buildings with extensive plots it may be possible to extend under part of the rear garden".

The lightwells have a modest projection and at the front given the large front garden, suitable landscaping would be sought to obscure the appearance. The level of excavation and basement manifestations appear subordinate to the main building.

The location of the ramp to the southern section of the road would minimise the prominence and, subject to surrounding landscaping as indicated on the site plan, the visibility from the streetscene is considered to be unassertive.

The proposal would retain a large rear garden, similar to the depth of gardens of other properties on the road.

It is not considered that the proposal represents an overdevelopment of the site. Planning Officers therefore consider that the proposed building, would be a sympathetic and positive addition to the character and appearance of the locality. It is accepted that the previous application was refused, against planning officer recommendation based on its "size, footprint, massing, and width", however given the size of the plot, the lower setting of the building than the existing buildings, setting away from neighbouring properties, it is not considered that refusal can be justified by Planning Officers.

#### Impact on the amenities of neighbours

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. New development should therefore have due regard to the amenity of existing occupiers in neighbouring buildings.

Whilst it is acknowledged that the proposed building would be sited 2.8m beyond the main elevation of no.20, the building would not result in loss of light to the amenities of these occupiers. It is also noted that adjacent to no.20 was a long single storey structure abutting the boundary which would be removed and therefore in this regard, the removal of this structure would alleviate the impact at the rear garden of no.20 Dollis Avenue. Due to the siting of the building, the distance from the common boundaries and also the distance between flank elevations of neighbouring properties, combined with the lower height of the proposed building than the height of the existing structures, it is not considered that the proposed structure would appear overbearing or imposing on the amenities of neighbouring properties.

The applicant previously provided a Daylight and Sunlight Study which concluded that the development would not have an adverse impact on daylight and sunlight received by the nearest neighbours (no.20 and 26 Dollis Avenue). Given that there has not been a change to the size, siting or layout of the building, there are no material considerations to indicate that there would be unacceptable loss of light to neighbouring properties.

There are windows located to the flank elevation of the proposed however these will be conditioned to be obscured glazed, as they do not serve habitable rooms or are secondary windows, to prevent overlooking into neighbouring properties and gardens. Similarly, there are windows to the side elevations of the neighbouring buildings fronting the host site, although from the site visit these do not appear to serve habitable rooms and as such it is not considered that the siting of the building would be detrimental to the visual amenities or privacy of neighbouring occupiers.

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

the scheme would meet both standards and it is therefore not considered that the proposed building would result in direct overlooking of the properties at the rear; the building would be at least 18.6m to the rear gardens of properties on Church Crescent and approximately 39m between habitable rooms. The windows at the rear of the building would not result in additional levels of overlooking than expected in a suburban setting.

On balance, the impact on neighbouring occupiers is considered to be acceptable. It must be noted that the previous application was not refused on amenity grounds.

#### Impact on the amenities of future occupiers

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

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2016. The SPD standards for bedrooms require double bedrooms to provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm.

The minimum standards, as set out in the London Plan, are as follows:

- 1 bed unit for 2 occupiers at one storey is 50sqm;
- 2 bed unit for 4 occupiers at one storey is 70sqm;
- 2 bed unit for 4 occupiers over two storeys is 79sqm;
- 3 bed unit for 6 occupiers at one storey is 95sqm.

The proposed units would offer the following floor areas:

- Unit 8 is a one bed unit (2p) providing 91sqm;
- Unit 1 and Unit 2 are two bed maisonette units (4p) providing a floor area of 109sqm and 147sqm respectively;
- Unit 3 and Unit 6 are two bed maisonette units (4p) providing a floor area of 143sqm for each unit;
- Unit 4, Unit 5, Unit 7 and Unit 9 are three bed units (6p) providing a floor area of 131sqm, 131sqm, 141sqm and 192sqm respectively.

The units would comply with and exceed the minimum space standards relative to the size of the unit. In addition, the bedrooms would meet and again exceed the standards for single or double rooms (respectively).

New flats are expected to provide suitable outlook and light to all habitable rooms; the scheme would meet this requirement. The units would all have dual aspect. With regards to the maisonette flats, the layout results in the bedrooms to the units being served by lightwells. Whilst the outlook to these rooms would be limited due to the depth of the lightwells, consideration has been given to the siting of the principle and communal habitable rooms to these flats (the living and dining areas) being sited at ground floor levels and thus benefitting from good outlook. In addition, as mentioned above, the applicant previously provided a Daylight and Sunlight study which demonstrated that the habitable rooms located at basement level would receive acceptable levels of light. On balance, it is considered that the siting of part of the accommodation at basement level does not warrant refusal.

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

With regards to outdoor amenity space, all new residential development is expected to provide suitable and useable outdoor amenity space for future occupiers. The Sustainable Design and Construction SPD stipulates that for flats, 5sqm of outdoor amenity space should be provided per habitable room; where rooms exceed 20sqm in floorspace, they are counted as two habitable rooms. The proposal would involve the provision of outdoor amenity space for all flats through a rear communal garden; this is considered to be a useable area.

It is considered that the proposed scheme would provide high level of amenity for future occupiers and approval is recommended on these grounds. It must be noted that the previous application was not refused on these grounds.

### Highways

The Council's Highways officers have reviewed the information provided and have commented on the scheme.

The proposal is for the demolition of 2 existing dwellings (6 bed dwellings) and the erection of a two storey building comprising of 9 units (1x1bed/ 4x2bed/ 4x3bed). Basement parking for 15 car parking spaces is provided, along with 20 cycle parking spaces, refuse storage and new fencing.

The site lies within a PTAL of 3 which is considered average, and there is a Controlled Parking Zone (CPZ), which is in effect Monday to Friday 2 to 3pm.

According to the parking standards as set out in Policy DM17, this site would require in the range of 8 to 13 vehicle car parking spaces. The provision of 15 spaces is therefore an over provision of 2 car parking spaces, however officers have considered this to be acceptable given the size of the units (exceeding the minimum floor area).

In accordance with Policy 6.9 of the London Plan, new development should provide secure, integrated, convenient and accessible cycle parking facilities. Based on table 6.3 of the London Plan, the development would require the provision of a 17 cycle spaces (1 cycle space per studio and 1 bedroom unit and 2 cycle spaces per other sized dwellings). The provision of cycle parking is 20 spaces is above the minimum requirements set out in the London Plan.

In terms of the refuse management, the provision would comply with requirements as set out in the Council's Waste Management Strategy. In respect of the bin collection point, the applicant has clarified that the bins would be located more than 10m from the highway at basement level. The bins will be managed through a private collection company who will collect the bins direct from the bin store. Such a private collection company will be able to access the basement floor through the proposed ramp via key pad arrangement or otherwise. Further details will be required as to how this will be managed including details of the vehicle, however these can be secured through a condition.

Highways officers have recommended that subject to conditions and informatives, there is no objection to the scheme on highways grounds.

### Trees

As part of the submission, an arboricultural impact assessment and tree protection plan have been provided, which have been reviewed by the Council's tree specialist. Although there are no protected trees on the site, Policy DM01 advises that trees should be safeguarded.

The proposal requires the loss of 21 trees categorised as C low value. The majority of these trees are small or small growing tree species. There will be a minor loss of visual tree amenity in the local area, however larger healthy trees are retained at the front of the property and in the rear. In addition, the proposed arboricultural impact assessment appears to be in draft form; an accurate method statement and tree-protection plan would be secured through a condition.

Whilst no landscaping plan has been submitted, it is considered that subject to a condition to secure a suitable landscape plan which would seek to provide a high quality frontage to the apartment building and help soften the mass of the building into the street scene, the proposal would be acceptable in this regard. The landscaping scheme would be required to address the loss of trees on the site.

### Accessibility and Sustainability

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

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 10.41% CO<sub>2</sub> reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy

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

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

### Community Infrastructure Levy

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

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

The proposal has been calculated to be liable for both Barnet CIL and Mayor's CIL.

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

It is considered that the planning related objections have been addressed in the report above. In addition, the following responses are provided:

The current application has not addressed previous concerns/ refused application- Planning Officers previously recommended approval and the decision was overturned by the Area Planning Committee. Whilst the decision was refused by the committee, Planning Officers consider that the proposal is acceptable for the reasons specified above.

In terms of affordable housing, the application does not meet the threshold to require the provision of affordable housing.

Disruption during construction - It is considered that noise and disturbance during construction can be mitigated by the condition restricting working hours.

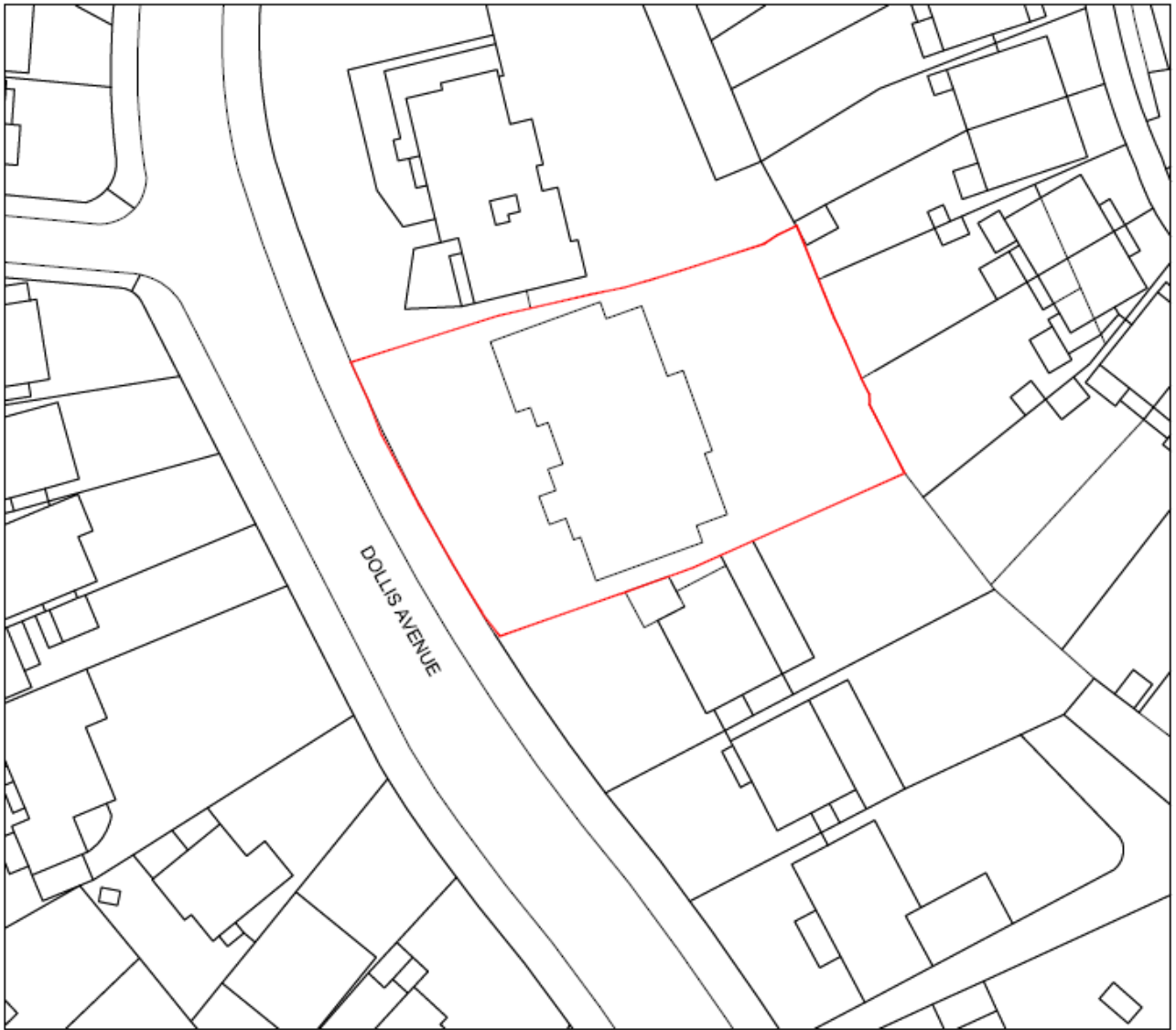
Impact on neighbouring structures- This is not a material planning consideration.

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

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

#### **7. Conclusion**

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



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**Location**                    **4 Granville Road London N12 0HJ**

**Reference:**                **18/3188/FUL**

Received: 24th May 2018

Accepted: 29th May 2018

Ward:                         Woodhouse

Expiry 24th July 2018

Applicant:                 Mrs T Shahidi

Proposal:                    Demolition of existing building and erection of a two-storey building with rooms in roof space to provide a community hall at ground floor level and 4no self-contained flats on the upper floors. Provision of 4 car parking spaces and cycle storage

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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; Drawing no. 4122 /01-1; Drawing no. 4122 /01-2; Drawing no. 4122 /01-3; Drawing no. 4122 /01-4; Drawing no. GR/001A dated 02/07/2018; Drawing no. GR/002 dated 28/05/2018; Drawing no. GR/003 dated 29/05/2018; Drawing no. GR/004A dated 09/07/2018; Drawing no. GR/005A dated 02/07/2018; Drawing no. GR/006B dated 16/08/2018; Drawing no. GR/BlockA dated 10/07/2018; Planning Statement by Henry Planning Consultancy and Development; Sustainability Statement by Henry Planning Consultancy and Development; Daylight and Sunlight Report by SPD Ltd dated July 2018 REF: 1809/TP/SUN.

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

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

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

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

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

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

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

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

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

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

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

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

- 6 a) Prior to first occupation of the hereby approved development, a scheme of hard and soft landscaping to the front forecourt area, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft

landscaping, has be submitted to and agreed in writing by the Local Planning Authority.

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

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

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

- 7 Before the development hereby permitted is first occupied, the rear garden shall be subdivided as indicated on the hereby approved Drawing no. GR/004A dated 09/07/2018 and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 8 Before the building hereby permitted is first occupied the proposed window(s) in the ground floor rear elevation facing the communal garden and first floor side window facing no.2 Granville Road, and rearmost side dormer serving the living room of Flat 4 shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

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

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

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 10 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.

- 11 Before the development hereby permitted is first occupied or the use first commences the parking spaces and access to the public highway as shown on Drawing no. GR/004A dated 09/07/2018 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policies 6.1, 6.2 and 6.3 of the London Plan (2016), Policy CS9 of Core Strategy (Adopted September 2012) and Policy DM17 of the Development Management Policies DPD (adopted September 2012).

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

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;

- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

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

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

13 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.

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

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies

DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 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 The community hall use hereby permitted shall not be open to members of the public before 7.30am or after 9.45pm on weekdays or before 9.00am or after 4.30pm on and Saturdays and Sundays.

The building shall be closed and the premises vacated by 10pm on weekdays and 5pm on Saturdays and Sundays.

Reason:

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

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

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

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

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

- 19 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission

Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 20 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), with the exception of a lift. 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.

- 21 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).

- 22 a) Within 4 months of commencement of the development, the following information relating to the community facility shall be submitted to and approved in writing by the Local Planning Authority:

- i) Details of marketing, including price, of the community space
- ii) Details of fitting out of the community space to include finishes to walls, ceilings and floors, a kitchen, WCs, storage space, provision of all services
- iii) A timetable to secure implementation of the features listed in ii) above.

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

Reason:

To ensure that the development provides a suitable and viable community facility in accordance with Policy DM13 of the Adopted Barnet Development Management Policies DPD (2012).

**Informative(s):**

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

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

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

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

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



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

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

#### Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

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

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

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

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

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

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

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

- 4 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 5 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 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 S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

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

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

- 7 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.
- 8 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.

## **Officer's Assessment**

### **1. Site Description**

The application site is a single storey building that formerly contained a Brethren Hall (community facility). The site is located on the south-western side of Granville Road within the Woodhouse ward.

The existing building is set well within the curtilage of the site, with a large amount of hardstanding at the front of the site.

The building is not listed nor does it lie within a Conservation Area. There are no protected trees on site. The site falls within a site of Special Archaeological Importance.

The appeal site is situated in a mixed-use area of predominantly residential properties on Granville Road. However, it is also close to commercial premises located on Ballards Lane. The former community hall on the site is currently vacant and based on the previous appeal on the site, has been since 2006.

There are residential buildings located to the east and west of the site. At the rear, the site abuts residential garages.

### **2. Site History**

Reference: 14/07842/FUL

Address: 2 & 4 Granville Road, London, N12 0HJ

Decision: Refused (Appeal dismissed)

Decision Date: 12 October 2015

Description: Demolition of existing building and construction of two storey dwelling to provide 7 no. self-contained flats, first floor extension to 2 Granville Road

Reasons for refusal:

Reason 1- The development would result in loss of a community facility and the application is accompanied by insufficient evidence to demonstrate that the site has been appropriately marketed and that there is no demand for a community facility in this location, contrary to policy DM13 of the Adopted Barnet Development Management Policies DPD (2012).

Reason 2- The proposals would provide no amenity space for the first floor units thereby compromising the amenities of the future occupiers of these units contrary to policies DM01 and DM02 of the Adopted Barnet Development Management Policies DPD (2012) and Supplementary Planning Document on Sustainable Design and Construction (2013).

Appeal Reference: APP/N5090/W/16/3146883

Summary of Appeal:

A completed Unilateral Undertaking (UU) has been submitted with the appeal documentation and this overcame the second reason for refusal (insufficient outdoor amenity space provision). However, the application was dismissed due to the loss of community use and lack of justification why it was no longer suitable or viable.

### **3. Proposal**

The applicant seeks planning permission for the demolition of the existing single storey building and erection of a two-storey building with rooms in roof space to provide a community hall at ground floor level and 4no self-contained flats on the upper floors. The proposal also includes the provision of 4 car parking spaces at the front of the site, and cycle storage for both uses located at the rear. A bin store would be located adjacent to the existing side access road.

The proposed building would have a maximum depth of 16m and maximum width of 13.2m. The front building line would staggered to be in line at the boundary with no.2 Granville Road and project closer towards the highway on the other side. At first floor level, the building would project 1.2m beyond the first floor rear recessed elevation of no.2 Granville Road. The outermost rear projection of the proposed building would be 4.7m beyond the boundary with no.2 Granville Road.

The proposed building would have an eaves height of 5.6m and maximum height of 8.7m. The building would feature two front gables and side dormers to both sides.

The proposed units would be comprised as follows:

- Flat 1- 2b4p unit;
- Flat 2- 2b3p unit;
- Flat 3- 1b1p unit;
- Flat 4- 2b3p unit.

Since the original consultation, the depth of the building at first floor has been reduced.

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

Consultation letters were sent to 218 neighbouring properties.  
7 responses have been received, comprising 7 letters of objection.

The objections received can be summarised as follows:

- Insufficient parking for the meeting hall. The application form is incorrect in specifying that there are only 2 parking spaces (there are 12);
- Insufficient parking for proposed residents;
- Additional traffic;
- Level of activity/ usage by community hall;
- Loss of light;
- Loss of privacy;
- Overbearing scale and impact on visual amenity of the road;
- Noise from use/ previous hall limited to two meetings per week;
- Overlooking into garden;
- Concerned about use of private road to the side for access;
- Larger garden should be sought for future occupiers;
- "What about the flock of pigeons staying there for a long time".

A site notice was erected on the 7th June 2018.

#### **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 24th July 2018. 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. 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 is currently under review. 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 adopted 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.

- Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS4, CS5, CS7, CS9, CS10, CS15

- Relevant Development Management DPD (2012): Policies DM01, DM02, DM04, DM08, DM13, DM17

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

development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

#### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of 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 future occupiers;
- Archaeological Impact;
- Highways;
- Sustainability Measures.

### **5.3 Assessment of proposals**

#### Background

As mentioned above, an application was previously refused on the site under reference 14/07842/FUL for the following development:

"Demolition of existing building and construction of two storey dwelling to provide 7 no. self contained flats, first floor extension to 2 Granville Road"

The application was refused for the following reasons:

Reason 1- The development would result in loss of a community facility and the application is accompanied by insufficient evidence to demonstrate that the site has been appropriately marketed and that there is no demand for a community facility in this location, contrary to policy DM13 of the Adopted Barnet Development Management Policies DPD (2012).

Reason 2- The proposals would provide no amenity space for the first floor units thereby compromising the amenities of the future occupiers of these units contrary to policies DM01 and DM02 of the Adopted Barnet Development Management Policies DPD (2012) and Supplementary Planning Document on Sustainable Design and Construction (2013).

The application was appealed (appeal reference APP/N5090/W/16/3146883) to the Planning Inspector. As part of the appeal, the applicant submitted a completed Unilateral Undertaking (UU) to provide a financial contribution towards local park improvements to offset insufficient amenity space provision. However, the application was dismissed due to the loss of community use and lack of justification why it was no longer suitable or viable.

Paragraphs 6 to 11 of the Appeal decision reads as follows:

*"6. A suitable relocation of the community facility, in this case a place of worship, was provided elsewhere in the nearby area when the existing hall was vacated. The appellant*

*has provided evidence to indicate that the alternative site was provided in 2006 when the occupiers of the existing hall relocated. This is accepted by the Council.*

*7. However, since that time, the alternative premises have been granted a change of use resulting in the loss of the community facility. The Council argue that as a consequence of this, no replacement facilities for the appeal site presently exist and therefore, the proposal would not comply with Policy DM13. Despite this, I have no substantive evidence before me to indicate one way or the other whether the community use is presently provided for elsewhere. Accordingly, I cannot be confident that suitable alternative community facilities currently exist nearby.*

*8. With regard to marketing, the evidence before me indicates that the appeal site was marketed from 2009 until it was finally sold in August 2012. Whilst this is some length of time, it would seem that in the early part of this period it was marketed at too high a price. This is a point which is acknowledged by the agent in their letter of 5 June 2015. Once the site was marketed at an appropriate level and for a realistic price it was sold relatively quickly. Accordingly, this would appear to indicate a demand for the premises.*

*9. The appellant states that commercial sales differ from, and are often more difficult than, residential sales and that a number of factors can have a bearing on marketability and sales. Furthermore, the appellant argues that the comments of a Council officer in 2009 relating to the potential residential use of the site are likely to have influenced the eventual sale of the property.*

*10. I appreciate that commercial and residential sales markets defer and that this may have had some effect on the sale of the property. However, with regard to the officer comments, the appellant states that these comments made by the officer were matters of 'opinion' and that residential use of the site 'could' be acceptable. Moreover, the comments were made a considerable time ago and circumstances, including policy, have changed significantly. Whilst great emphasis may have been placed on these comments with regard to potential residential use in the revised marketing material, this would have been based on opinion and possibility rather than fact and certainty. There is no substantive evidence before me confirming that residential use would be acceptable. Therefore, I find that the comments would not have unduly influenced the offer made and accepted for the site. Accordingly, I give limited weight to these matters in my decision.*

*11. Having regard to the above, the proposal would provide the benefit of seven additional dwellings in an established and accessible residential area. However, it would result in the loss of a community use and facility for which no present alternative provision has been identified. Furthermore, a lack of demand for such use has not been demonstrated through an effective marketing strategy for such use. Whilst Policy DM13 requires exceptional circumstances to be demonstrated by either the provision of alternative facilities or a lack of demand, I find that this proposal would not comply with either. The proposal would result in the unacceptable loss of a community facility and the material harm caused as a result would not be outweighed by the benefits of the proposal."*

The current application relates solely to the site at no.4 Granville Road and no.2 falls outside the curtilage of the site.

Community Facility

Paragraph 92 of the NPPF stipulates that planning decisions should "plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments". Similarly, Policy 4.8 of the London Plan specifies that decisions should prevent the loss of valued local community assets.

The Council recognise that there is a need for a range of community and religious facilities in Barnet to support the requirements of different ethnic, religious, social and interest groups in the borough. DM13 of the Development Management Policies DPD advocates that new community uses should be located where they are easily accessible to public transport and should have no adverse impact on the free-flow of traffic.

Policy DM13 seeks to protect community facilities 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."

The previous application was refused as insufficient information was provided to justify the loss of the community facility. The proposal seeks to retain the community facility and is just a re-provision of existing floorspace which is an unrestricted Class D1 use. No details have been provided with regards to the layout of the community facility as there is not a current service provider. Nonetheless, the proposal would not result in the loss of the facility and in this regard, the scheme has addressed the previous reason for refusal.

#### Principle of Development and Impact on the character of the area

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

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.

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.



The area has a mixed character which includes flats and houses on Granville Road and commercial units on Ballards Lane. The principle of flats is therefore considered to be acceptable.

The proposals would involve the construction of a two-storey building with rooms in the roofspace. The proposals would replicate gable features from neighbouring buildings and maintain an adequate gap within the streetscene to neighbouring buildings. The ridge and eaves heights would sit between the neighbouring buildings (no.10 and no.2 Granville Road). The design and form of the building is similar to the previous proposal on the site; it must be noted that the previous application was not refused on these grounds.

Details of the materials would be secured by an attached condition. In addition, a condition has also been attached requiring a landscaping scheme to the frontage to soften the appearance of the building.

It is considered that the proposals would have an acceptable impact on the character and appearance of the streetscene and general locality.

#### Impact on the amenities of neighbours

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. New development should therefore have due regard to the amenity of existing occupiers in neighbouring buildings.

The proposed building at no.4 would have a similar depth to the neighbouring building at no.10 Granville Road. Given this and the distance between the buildings it is not considered that the proposals would harm neighbouring amenity in this respect. There is an existing side dormer at no.10 Granville Road which has been confirmed by the owner as serving a staircase. The proposal would include a side dormer to this side which would serve a bedroom and secondary dormer serving a living room; Given the distance, lower siting of the proposed dormers and non-habitable accommodation of the existing dormer to no.10, the arrangement and relationship to this neighbouring building is considered to be acceptable.

Following consultation, the proposal was amended to reduce the depth of the building along the boundary with no.2 Granville Road. The applicant submitted a daylight and sunlight assessment which concluded that the proposed building, as amended, would not result in unacceptable loss of light reaching the nearest neighbouring window (first floor rear window of no. 2 Granville Road). The proposal would also have a similar depth along the common boundary with no.2 Granville Road.

The proposals would look out towards Granville Court to the rear. This building does not have facing windows and has an access terrace on the rear. It is not considered that there would be any harm in terms of the impact on the occupiers of this property.

As noted above, the existing building benefits from a lawful community use; there is no planning history for this building which restricts the hours of use or the nature of use. Although there are no specific details with regards to the proposed community use as there is not an identified service provider at present, the application form specifies that the proposed hours of use are 7am to 11pm on all days. Officers consider that these hours are excessive despite the existing building not having such hours of use restrictions, particularly

given the proximity of neighbouring and future occupiers, and as such would recommend a reduction. Officers have recommended a condition (recommended condition 16) restricting the hours of use, to read as follows:

"The use hereby permitted shall not be open to members of the public before 7.30am or after 9.45pm on weekdays or before 9.00am or after 4.30pm on and Saturdays and Sundays. The building shall be closed and the premises vacated by 10pm on weekdays and 5pm on Saturdays and Sundays."

It is not considered that the proposed use as flats and community facility, subject to recommended conditions, would harm neighbouring amenity through associated noise and disturbance from additional activity.

### Amenity of Future Occupiers

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

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2016. The SPD standards for bedrooms require double bedrooms to provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm.

The minimum standards, as set out in the London Plan, are as follows:

- 1 bed unit for 1 occupier at one storey is 39sqm (37sqm with wet room);
- 1 bed unit for 2 occupiers at one storey is 50sqm;
- 2 bed unit for 3 occupiers at one storey is 61sqm;
- 2 bed unit for 4 occupiers at one storey is 70sqm.

The units would comply and exceed the minimum space standards relative to the size of the unit. In addition, the bedrooms would meet and again exceed the standards for single or double rooms (respectively).

All new residential units are expected to benefit from good levels of outlook and light to all habitable rooms. The proposal would generally achieve this, although some habitable rooms at roof level would only be served by rooflights. Whilst this is not ideal, the previous application which had a similar layout was not refused on these grounds and it is not considered that the proposal can now be refused on these grounds; nonetheless, these the flats would benefit from be dual aspect and on balance would offer good outlook to occupiers.

With regards to outdoor amenity space, all new residential development is expected to provide suitable and useable outdoor amenity space for future occupiers. The Sustainable Design and Construction SPD stipulates that for flats, 5sqm of outdoor amenity space should be provided per habitable room; where rooms exceed 20sqm in floorspace, they are counted as two habitable rooms. The proposal would provide a modest rear communal garden with an area of 67sqm; based on the number of rooms the provision should be 80sqm therefore

there is a shortfall of 13sqm. The SPD recognises that in some circumstances "the development may make a financial contribution to the nearest appropriate public open space to compensate for the lack of outdoor amenity space" as detailed in the Planning Obligations SPD. This was previously accepted as part of the last application on the site.

The Council's Green Spaces team have noted that based on a shortfall of 13sqm, a contribution of £1,250 which includes planting of a tree, would be made to improvements to the nearest park (Victoria Park). The applicant has agreed to enter into a S106 agreement to secure a contribution towards the cost of improvements at Victoria Park to offset the deficiencies in relation to on-site amenity space provision for the proposed flats.

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

It is considered that the proposed scheme would provide good level of amenity for future occupiers and approval is recommended on these grounds.

#### Archaeological Impact

The National Planning Policy Framework (Section 16) and the London Plan (2016 Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process.

Paragraph 189 of the NPPF says that applicants should submit desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development. This information should be supplied to inform the planning decision. If planning consent is granted paragraph 199 of the NPPF says that applicants should be required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence publicly available.

The planning application site lies in an area of archaeological interest (Archaeological Priority Area) identified for the Local Plan: Finchley.

The archaeological interest is such that it is considered justified to attach a condition, requiring an implementation of a programme of archaeological evaluation to be submitted to the Local Planning Authority prior to commencement. This condition would require a two-stage process of archaeological investigation comprising: first, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.

#### Highways

The Council's Highways officers have reviewed the information provided and have commented on the scheme.

The site lies within a PTAL 4 zone which means that there is good public transport accessibility to and from the site. There is no controlled parking on the road abutting the site.

Policy DM17 states that the council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi-detached houses and flats (4 or more bedrooms);
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

In accordance with Policy DM17, this application would need to include off-street parking for 3 to 4 vehicles.

The car parking requirement for residential use is 3 spaces in accordance with Policy DM17 of the London Plan, consideration has been given to the good PTAL. This would leave 1 off-street car parking space for use by community hall a staff and visitors. Highways officers consider that this provision is acceptable and would not result in heightened parking pressures on the local highway network.

In accordance with Policy 6.9 of the London Plan, new development should provide secure, integrated, convenient and accessible cycle parking facilities. Based on table 6.3 of the London Plan, the development would require the provision of a 10 cycle spaces for both uses. Highways officers have requested that cycle parking and cycle storage facilities should be provided in accordance with the London Borough of Barnet's Local Plan, in the interests of promoting cycling as a mode of transport; this would be conditioned.

Highways officers have recommended that subject to the attached conditions and informative, there is no objection to the scheme on highways grounds.

#### Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement in its majority with the exception of a provision of a lift, and a condition is attached to ensure compliance with these Policies. In accordance with the Housing SPG (2016), "LPAs should seek to ensure that dwellings accessed above or below the entrance storey in buildings of four storeys or less have step-free access. However, in certain specific cases, the provision of a lift where necessary to achieve this aim, may cause practical difficulties, make developments unviable and/or have significant implications for the affordability of service charges for intended residents."

The applicant has demonstrated that the inclusion of a lift in order to comply with this standard will cause practical difficulties, make the development unviable and have significant implications on service charges for the intended residents. The applicant's planning statement specifies:

"The applicant has been advised that to incorporate a lift into the scheme to meet Part M4(2) of the Building Regulations, the cost would be approximately £25k for supply and installation. The servicing contract for a lift would be approximately £2,500 per annum and this would need to be shared by the occupants/owners of the proposed 4 flats. The service charge for a lift would consequently be prohibitively expensive for future residents."

The Mayor's Housing SPG states that "where necessary, for developments of four stories or less, the requirements of Policy 3.8Bc should be applied flexibly to ensure that residential

or mixed use development is deliverable". This would include small-scale infill developments where the depth and width of the plot would restrict the provision of a lift. The Local Planning Authority considers that due to the site constraints and additional costs to future residents, the proposal would be unable to fully meet part M4(2) however this is considered to be acceptable in this case. Therefore, flexibility on the provision of a lift, as set out in the London Plan, has been given in this case.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 10% CO<sub>2</sub> reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy

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

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

#### Community Infrastructure Levy

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

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

The proposal has been calculated to be liable for both Barnet CIL and Mayor's CIL for the residential use and for Mayor's CIL only for the community use.

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

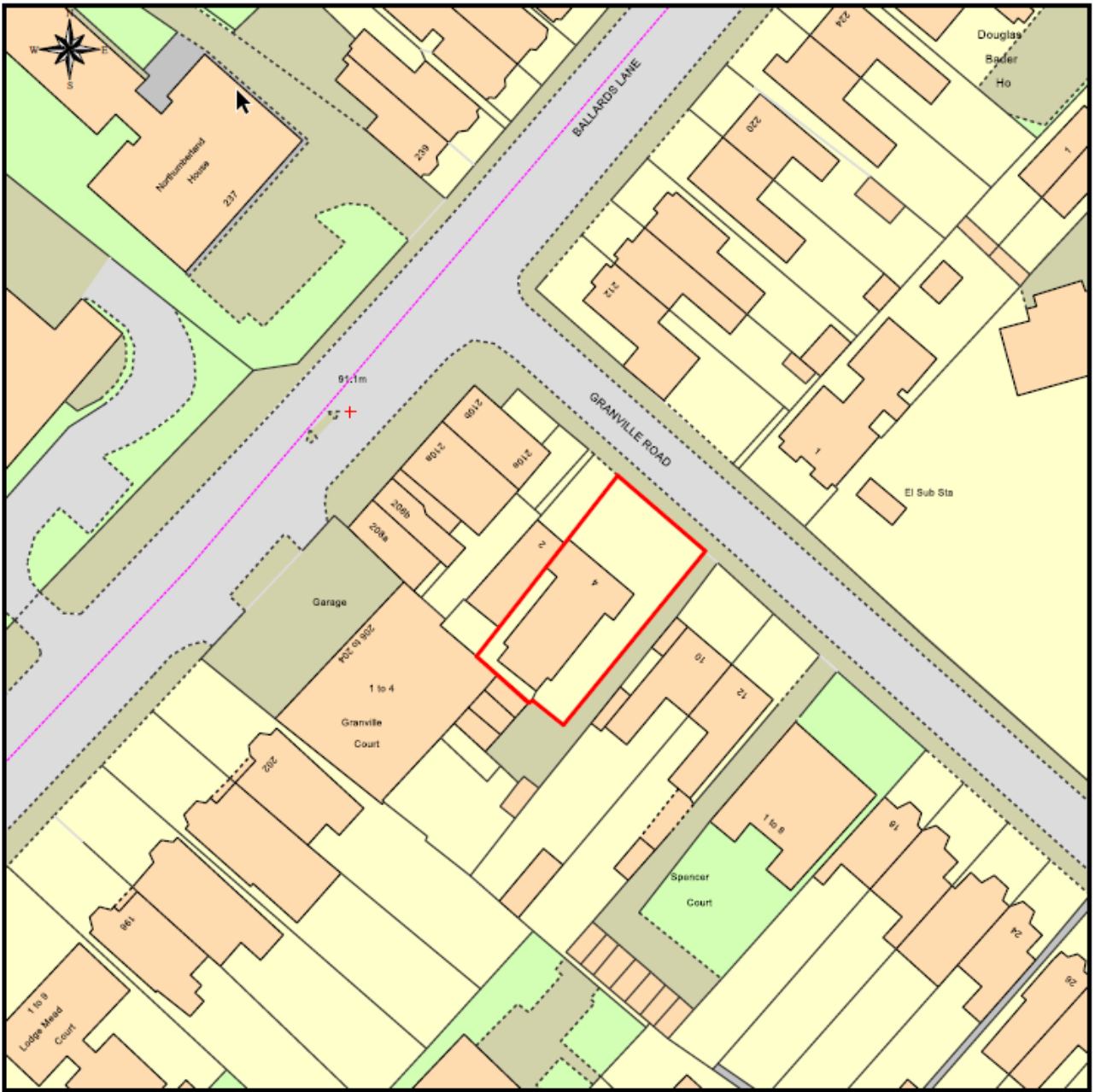
It is considered that the planning related objections have been discussed in the report above. With regards to comments relating to pigeons, these are not protected species and therefore it is not considered that the potential impact on these species would warrant refusal of the application.

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

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

### **7. Conclusion**

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



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**Location**                    **127 - 133 High Road London N2 8BW**

**Reference:**                **18/3629/RCU**

Received: 11th June 2018

Accepted: 18th June 2018

Ward:                        East Finchley

Expiry 13th August 2018

Applicant:                Mr S Chandhok

Proposal:                    Extension to roof including 2no front dormers, 2no side dormers and 4no rear dormers with 2no rooflights to front elevation to provide conversion of existing roof to create 4no self-contained flats. Installation of an external frosted glazed privacy screen at second floor with roof canopy to central rear elevation. (PARTLY RETROSPECTIVE)

AGENDA ITEM 20

**Recommendation:** Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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;
3. Amendment to the Traffic Management Order (£2,000)
4. Monitoring of Legal Agreement (£100)

#### RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director – Planning and Building Control or Head of Strategic Planning approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director – Planning and Building Control or Head of Strategic Planning:

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

1114/001 (Existing Site Plan)  
1114/002 (Existing Elevations)  
1114/003 (Original Elevations)  
1114/004 (Location Plan)  
1114/005 Rev.A (Original First and Second Floor)  
1114/006 (Pre-Existing and Existing First and Second Floors)  
1114/007 Rev.B (Existing Roof Plan)  
1114/011 Rev.B (Existing Third Floor)  
1114/013A Rev.A (Existing Second Floor)  
1114/013 Rev.A (Proposed Second Floor)  
1114/014 Rev.B (Proposed Third Floor)  
1114/015 (Sections)  
1114/016 (Plan Showing Bin Storage)  
1114/017 Rev.C (Proposed Third Floor)  
1114/018 Rev.B (Proposed Roof Plan)  
1114/019 (Proposed Rear Elevation as substantially built)  
1114/020 Rev.A (Proposed Rear Elevation)  
1114/021 (Approved side A Elevation As Built)  
1114/022 Rev.A (Proposed side A Elevation)  
1114/023 (Approved Side B Elevation As Built)  
1114/024 Rev.A (Proposed Side B Elevation)  
1114/025 (Proposed Front Elevation As Built)  
1114/026 Rev.A (Proposed Front Elevation)

Daylight or Sunlight Assessment  
Design and Access Statement  
Planning Statement  
Transport Assessment

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 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).

- 4 No site works or works on this development including construction work shall commence until a 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 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.

- 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 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 2016).

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

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

- 9 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.

### RECOMMENDATION III:

- 1 That if an agreement has not been completed by 30/11/2018 unless otherwise agreed in writing, the Service Director - Planning and Building Control should REFUSE the application 18/3629/RCU under delegated powers for the following reason:

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

### Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

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

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

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

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

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

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

#### Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

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

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

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

- 3 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 4 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

- 5 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 6 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 site is located on the south-western side of High Road on the junction with Kitchener Road, within the ward of East Finchley. The site is located within the East Finchley Town Centre.

The existing building is three storeys in height which comprises of retail uses on the ground floor and residential uses above. A previous permission to reform the existing roof to form a pitched roof with the construction of a canopy to extend over the rear has been substantially completed on site.

### **2. Site History**

Reference: 17/5043/FUL

Address: 127-133 High Road, East Finchley, London

Decision: Refused

Decision Date: 18.10.2017

Description: Conversion of existing roof space at third floor level to create 4no. self-contained flats. Associated refuse and recycling store. Addition of rooflights.

Reference: 17/1538/CON

Address: 127-133 High Road, East Finchley, London, N2 8AJ

Decision: Approved

Decision Date: 15.05.2017

Description: Submission of details of condition 3 (Materials) pursuant to planning permission 15/04725/FUL dated 06.10.15

Reference: 15/04725/FUL

Address: 127-133 High Road, East Finchley, London, N2 8AJ

Decision: Approved subject to conditions

Decision Date: 16.10.2015

Description: Reformation of existing roof. Installation of external insulation, rendering covering to existing rear staircase.

Reference: 15/04725/FUL

Address: 127-133 High Road, East Finchley, London, N2 8AJ

Decision: Approved subject to conditions

Decision Date: 16.10.2015

Description: Reformation of existing roof. Installation of external insulation, rendering covering to existing rear staircase.

Reference: C08553D

Address: 127-133 High Road, London, N2

Decision: Refused

Decision Date: 07.06.1989

Description: Conversion of the existing first and second floors from 8 to 12 self-contained flats, third floor roof extension containing four self-contained flats, two rear external staircase accesses (Duplicate application)

Reference: C08553C

Address: 127-133 High Road, London, N2



Decision: Refused

Decision Date: 07.06.1989

Description: Conversion of the existing first and second floors from 8 to 12 self-contained flats, third floor roof extension containing four self-contained flats, two rear external staircase accesses (Duplicate application)

Reference: C08553B

Address: 127-133 High Road, London, N2

Decision: Approved subject to conditions

Decision Date: 05.08.1987

Description: Alterations to first and second floor to form four additional self-contained flats, replacement of external staircases & balcony, four parking spaces at rear

Reference: C08553E

Address: 127-133 High Road, London, N2

Decision: Approved subject to conditions

Decision Date: 10.09.1991

Description: Retention of 12 flats (incorporating amendments to development approved under planning permission REF: C08553B)

Reference: C00082K/06

Address: 127 High Road, London, N2 8AJ

Decision: Approved subject to conditions

Decision Date: 17 November 2006

Description: Static shop fascia.

Reference: C00082L/06

Address: 127 High Road, London, N2 8AJ

Decision: Approved subject to conditions

Decision Date: 11 December 2006

Description: Retention of replacement shop windows, lowering of cills, installation of shutters and awnings.

Reference: C00082J/06

Address: 127 High Road, London, N2 8AJ

Decision: Lawful

Decision Date: 17 November 2006

Description: Retention of Change of use from Class A2 to Class A1.

### **3. Proposal**

The application seeks retrospective permission for the conversion of existing roof into 4no. self-contained flats, installation of rooflights and external frosted glass privacy screens at second floor level. All these elements have already been constructed.

In addition to the above, permission is sought for the extension of the roof to include 2no. front dormers and 2no. rooflights, 2no. side dormers and 4no. rear rooflights. There are a number of alterations to the internal arrangements to a number of flats of the second and third floor.

## 4. Public Consultation

Cllr Mitra has requested that the application be called-in to committee should it recommended for approval on the grounds of over development of the site, out of keeping, too high, too dense and adverse impact on neighbours.

Consultation letters were sent to 287 neighbouring properties.  
No responses have been received.

### Internal consultations

**Traffic and Development service** - No objection subject to S106 and 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 24th July 2018. 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. 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 is currently under review. 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 adopted 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.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM17

## Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)  
Sustainable Design and Construction SPD (adopted October 2016)

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

### **5.3 Assessment of proposals**

#### Principle of development and impact on the character and appearance of the existing building, streetscene and wider locality

The proposal will result in 4 additional self-contained flats within an existing flatted building comprising of 12 flats. The application site is located within the East Finchley Town Centre where there are a variety of uses and a large number of existing residential flatted units. As flats are a common feature of the area and the existing building contains flats, the principle of additional flats within the building is considered to be acceptable subject to compliance with all other relevant policy considerations.

The form and size of the crown roof that has been constructed has been previously approved under reference 15/04725/FUL. The proposal now seeks the addition of 8no dormer windows; two to the front elevation, four to the rear and one to each side elevation. The principle of dormer windows is accepted. The size, scale and positioning of the proposed dormers is considered to be acceptable and would appear subordinate on the roof slope. Although front dormers are generally not supported, the surrounding properties include a number of front dormers and therefore not considered to be a detrimental in this instance.

The proposal features a high number of rooflights. The rooflights are not considered to harm the character or appearance of the existing property.

The installation of an external frosted glazed privacy screen on the rear elevation at second floor is not considered to harm the character or appearance of the existing property or visual amenity of the surrounding area. The construction of the external glazed staircase which was previously approved is considered to be a more visually prominent feature than the proposed additional screening.

### Impact on the amenity of neighbouring occupiers

The additional units within the roof space would be accessed via the existing constructed external staircase and landing at second floor level. Two new doors have been added to the rear elevation. It is not considered that the proposal would further harm the amenities of neighbours in terms of overlooking.

The proposed installation of the external frosted glazed privacy screen would provide suitable privacy from the second floor landing.

### Provision of adequate accommodation for future occupiers

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan. It is proposed to alter the layout of existing flats on the second floor in order to accommodate the proposed third floor units. Each of the altered units on the second floor are 1B1P units measuring between 37-39sqm. These would comply with the minimum internal space standards.

At third floor level, it is proposed to provide 2 x 1B1P and 2 x 1B2P units. All four new units would exceed the minimum space standards.

A previous application for a similar proposal was refused as the proposal failed to provide adequate levels of light, outlook and ventilation for future occupiers which would result in an unacceptably poor level of amenity for future occupiers and would have a detrimental impact on the residential amenity of future occupiers. In this application, the addition of dormer windows to each of the main habitable rooms within the loft, in addition to the rooflights, is considered to provide acceptable levels of amenity for future occupiers in terms of light, outlook and ventilation.

The proposal does not provide any outdoor amenity space. However, none of the existing twelve units benefit from any private amenity space. The site is also located within the East Finchley Town Centre where future occupiers have easy access to town centre services and a number of parks and open spaces. Therefore the non-provision of outdoor amenity is considered to be acceptable in this instance.

### Highways Safety and parking provision

The proposal is for the conversion of the existing roof space into 4no. self-contained one-bed units. The existing building does not provide any off-street parking and no new parking is proposed as part of the proposal. The Council's Traffic and Development service has stated that according to Barnet Policy DM17, the development requires a minimum of 2 car parking spaces to be provided. The lack of car parking provision is likely to result in additional demand for parking spaces within the CPZ and may result in increased on street parking stress.

The site is located in an area with a PTAL rating of 3 which is medium accessibility. The site is also located within a Controlled Parking Zone and is located in a town centre location, close to local amenities.

The Highways Officer has provided comments stating that on balance the proposed development would be acceptable on highway grounds subject to the residents of the proposed development being exempted from purchasing parking permits. A contribution of

£2000 will need to be secured under a S106 Agreement to amend the Traffic Management Order in order to implement permit exemption.

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

No responses were received.

#### **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 or future occupiers. The proposal is acceptable on highways grounds following the completion of a legal agreement to restrict future occupiers from obtaining parking permits. This application is therefore recommended for approval.

