

MEETING

FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE

DATE AND TIME

MONDAY 15TH APRIL, 2019

AT 6.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

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

Chairman: Councillor Eva Greenspan

Vice Chairman: Councillor John Marshall

Councillors

John Marshall

Melvin Cohen

Danny Rich

Claire Farrier

Alan Schneiderman

Please note that the below agenda may not reflect the order in which items will be heard at the meeting.

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

Andrew Charlwood – Head of Governance

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ASSURANCE GROUP

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ORDER OF BUSINESS

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4.	Report of the Monitoring Officer (If any)	
5.	Addendum (if applicable)	
6.	Planning Enforcement and Planning Committee Appeals Update 2018	9 - 18
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11.	Wellington Place Great North Road London N2 0PN 18/4897/FUL Garden Suburb	75 - 92
12.	290 - 294 Golders Green Road London NW11 9PY 17/7568/S73 Golders Green	93 - 118
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15.	33 Ranulf Road London NW2 2BS 19/0965/FUL Childs Hill	167 - 186
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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

12 March 2019

Members Present:-

AGENDA ITEM 1

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

Councillor Melvin Cohen
Councillor Claire Farrier
Councillor Danny Rich

Councillor Shimon Ryde
Councillor Alan Schneiderman

1. MINUTES OF LAST MEETING

RESOLVED – the minutes were approved as an accurate record of the meeting.

2. ABSENCE OF MEMBERS (IF ANY)

None.

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

Member	Item	Declaration
Cllr Cohen	6: Finchley Reform Synagogue	Declaration of interest by virtue of the applicant being known to him. Cllr Cohen would leave the room for this item.
Cllr Cohen	8: 290-294 Golders Green Road	Declaration of interest by virtue of the applicant being known to him.
Cllr Marshall	8: 290-294 Golders Green Road	Declaration of interest by virtue of the applicant being known to him. Cllr Marshall would leave the room for this item

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM

Received in relation to items 6, 10 and 12.

6. FINCHLEY REFORM SYNAGOGUE 101 FALLOW COURT AVENUE LONDON N12 0BE 18/5941/FUL

Cllr Rich arrived during this item so was precluded from the vote.

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

Ms Tuku Banerji spoke in objection to the application.

Dr George Grimble spoke in support of the application.

Rabbi Berger, the applicant, addressed the Committee.

Further to a discussion the vote was recorded as follows:

For (approval) 2

Against (approval) 1

Abstained – 3

Resolved – the application was **APPROVED**.

7. FIRST FLOOR FLAT 32 LONG LANE LONDON N3 2PU 18/6975/FUL

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

Mr Mike Gee and Mr Robert Newton spoke in objection to the application.

The applicant was not in attendance.

The vote on the officer's recommendation was recorded as follows:

For (approval) – 3

Against (approval) – 3

Abstained - 1

The Chairman used her casting vote in approval of the application.

Resolved – the application was **APPROVED** with amended condition 8 and additional condition 12 as set out in the addendum.

8. 290 - 294 GOLDERS GREEN ROAD LONDON NW11 9PY 17/7568/S73

Cllr Marshall left the room for this item.

Dr Tabassum Jafri spoke in objection to the application.

Mr David Scheiner spoke in objection to the application.

Mr Jennings, the applicant's architect, addressed the Committee.

Further to a discussion Cllr Schneiderman moved a motion to defer the application for a further independent review of the viability assessment. He was seconded by Cllr Rich.

The Chairman moved to the vote on deferral of the application:

For (deferral) – 3
Against (deferral) – 1
Abstained – 2

Carried – the application was **DEFERRED** for the reason given above.

9. 27A HOLDERS HILL DRIVE LONDON NW4 1NL 18/5787/FUL

The Planning Officer presented the report to the Committee.

Mr Neil Coughman, agent for the applicant, addressed the Committee.

The Chairman moved to the vote on the officer's recommendation:

For (approval) – 7
Against (approval) – 0

Resolved – the application was **APPROVED**.

**10. FORMER SAFARI RESTAURANT, 975 HIGH ROAD, LONDON N12 8QR
18/7368/FUL**

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

Mr Martin Hurrell spoke in objection to the application on behalf of Ms Maria Byrne.

Mr Chris Dodds, Planning Consultant, spoke on behalf of the applicant.

The Chairman moved to the vote on the officer's recommendation:

For (approval) – 4
Against (approval) – 2
Abstained – 1

Resolved – the application was **APPROVED** with amended conditions 3, 4 and 7 and new condition 8 as set out in the addendum.

11. 931 HIGH ROAD LONDON N12 8QR 18/6537/CON

The Planning Officer presented the report to the Committee.

Cllr Geof Cooke spoke in objection to the application.

Mr Andrew Saunders, applicant, addressed the Committee.

Further to a discussion the Chairman moved to the vote on the officer's recommendation:

For (approval) – 4
Against (approval) – 3

Resolved – the application was **APPROVED**.

**12. FLAT 70 MONARCH COURT LYTTELTON ROAD LONDON N2 0RB
19/0162/FUL**

The Planning Officer presented the report to the Committee.

There were no speakers and the applicant was not present.

The Chairman moved to the vote on the officer's recommendation:

For (approval)- 7

Resolved – the application was **APPROVED**.

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

None.

The meeting finished at 8.13 pm

	AGENDA ITEM 6
	<p>Finchley and Golders Green Area Planning Committee</p> <p>15th April 2019</p>
Title	Planning Enforcement and Planning Committee Appeals Update – 2018
Report of	Service Director – Planning and Building Control
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	None
Officer Contact Details	Fabien Gaudin, fabien.gaudin@barnet.gov.uk , 020 8359 4258

Summary
The report provides an overview of the planning enforcement function and planning appeals overview in the period between January 2018 and December 2018.

Recommendation
1. That the Committee note the Planning Enforcement and Planning Committee Appeals Update for the year 2018

1. WHY THIS REPORT IS NEEDED

- 1.1 Members' involvement is crucial in maintaining an effective enforcement service because Members often have to be the public face of the Council when faced with issues which might require the taking of formal (or informal) enforcement action. This report has been prepared to provide an overview of the enforcement function in 2018.

2. ENFORCEMENT UPDATE:

2.1 Number of service requests

In 2018, the Council received 1948 requests to investigate an alleged breach of planning control which is a significant increase from 2017 when 1596 requests were received. In 2018, the Council completed 1899 investigations.

2.2 Formal Enforcement Action

Enforcement Action should always be commensurate with the breach. When considering enforcement action the alleged breach of planning control and associated development must be assessed against relevant planning policies and other material planning considerations.

A notice, if it is considered appropriate to serve one, must state the reason why the development is unacceptable (the same principles as a planning application). The role of planning enforcement is not to automatically rectify works without consent. Also, when considering enforcement action the Planning Authority should not normally take action in order to remedy only a slight variation in excess of what would be permitted development. The serving of a formal notice would in most cases follow negotiations with land owners to voluntarily resolve the breach and a number of cases are resolved in this way (see next section). Furthermore, the majority of cases are resolved without the need to take formal enforcement action and the table in section 2.4 shows details of such cases resolved in the last quarter.

In 2018, 195 Enforcement Notices (of all types but excluding Planning Contravention Notices) were authorised which is an increase from 135 in 2017 and an all-time high for the Council over a calendar year.

2.3 Benchmarking

The Ministry of Housing, Communities & Local Government recently released enforcement statistics for the year ending December 2018.

(<https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics>)

According to those statistics, the Council served the most enforcement and breach of conditions notices in England in 2018.

Rank	Local Planning Authority	# enforcement notices and breach of conditions notices
1	Barnet	194
2	Brent	155
3	Newham	152
4	Westminster	124
5	Haringey	116

2.4 Cases Closed and Investigation Conclusion

Cases resolved without the need to take formal enforcement action:

	2018	2017
Full compliance following serving of enforcement notice	142	113
Informal compliance Works carried out and/or use ceased with breach resolved informally	305	320
Lawful development No breach of planning control was identified following investigation	885	955
Breach detected but harm insufficient to justify enforcement action	419	244
Other duplicate referrals, anonymous or withdrawn requests, dealt with through alternative legislation etc	134	239
Total	1899	1871

2.5 Investments in pro-active enforcement

At the beginning of 2018 and as a way to reinvest an uplift in planning fees, the planning service increased officer's capacity in the enforcement team by appointing the Council's first compliance officer.

The past year has been the first time that the Council has been actively looking for potential breaches of planning control rather than responding to requests to investigate. Barnet is one of the very few Local Planning Authorities in the country to provide such a service.

Since his appointment the compliance officer has been using data from a number of Council's departments to investigate non-compliance with planning law in a proactive manner. The data used is current data from Environmental Health HMO (EH) licensing, current data from Council Tax as well as other historic data from EH dating back to 2014.

Cross referencing of multiple data sources has proved so successful that it has been impossible for the officer to investigate all historic data due to workload number of cases generated. The number of cases that have been investigated between 1st March and 30th October is very high at 244. Of that number, 132 have been HMO's referred from EH. Work is continuing to investigate all potential breaches that have been discovered.

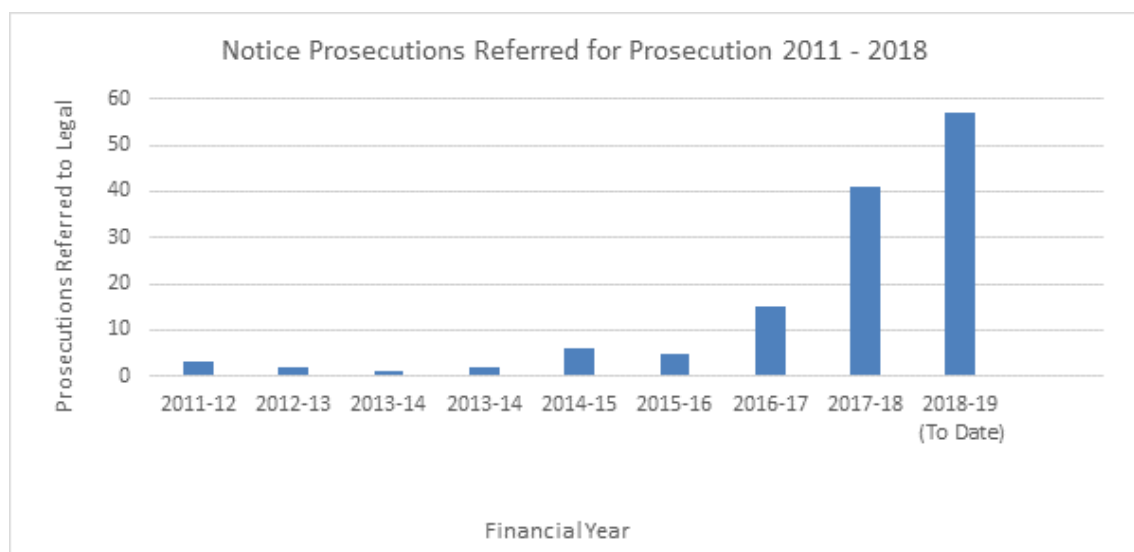
In a period of 9 months, 15 Enforcement Notices have been served and 39 planning applications to regularise works have been submitted which equates to 38.2% of applications investigated generating an application.

The benefit to the residents of Barnet is a reassurance that the Local Planning Authority is proactively monitoring and enforcing planning law. The council therefore ensures that properties have been developed in accordance with the legislation, have the appropriate approvals and where they haven't officers ensure that the necessary changes to revert to the actual planning permission or apply for planning permission to become compliant are made.

A second compliance officer is now in post to support these efforts.

2.6 Prosecutions and notable cases updates

In the past year, the Council has increased efforts in ensuring that it meets the growing need to ensure that the full force of the law is applied to those who would willingly ignore valid and justified demands for remedial works by prosecuting where there is a public interest in such action. Current levels of prosecutions are unprecedented for our authority as shown below:



Notable cases in Finchley and Golders Green

97 Hendon Way, NW2 2LY

The owner of this property converted the dwellinghouse into sub-standard flats. Retrospective permission to retain them was refused and an enforcement notice subsequently issued. The notice required the building to be restored to its previous state. It seems that the owner left the country at some point after the application and has not returned to answer charges in court despite still apparently receiving rent.

The Criminal Justice Act holds that where a defendant has absconded from the country and has not therefore attended court to answer a charge made against

him the prosecuting authority may seek confiscation in the absence of a conviction. The Council was successful in its request and the owner was ordered to pay back a sum of £223,751.31 that was received in unlawful rent. The Council may seek enforcement through bailiffs and retain a large proportion of the money realised.

Notable cases in Hendon

5 Sturgess Avenue, London, NW4 3TR

The case concerned the unauthorised erection of a single storey rear conservatory extension. The freeholder was convicted and sentenced to £1,000 fine and ordered to pay prosecution costs of £3,862.60. The service of a summons prompted the owner to comply with the notice. The conservatory has been demolished. The challenges that the case involved was the defence attempt to force the Council into withdrawing the prosecution by providing it with sham evidence allegedly invalidating the notice. The Council investigated the evidence thoroughly and unveiled the fraud which resulted in a successful prosecution.

7 Glebe Crescent, London, NW4 1BT

The case concerned the unauthorised conversion of a single family dwelling into four flats. Two refused planning applications, one dismissed appeal and further prolonged Company's failure to act upon the notice led to the prosecution. Only the service of a summons prompted the real estate company (the owner) to comply with the notice before the trial. The property has been reverted back to a single family dwelling. One of the challenges that the case involved was the change of ownership throughout the process of enforcement. The Council had to prove the current owner's knowledge of the notice which required close cooperation with other Council's departments (Land Charges) and thorough examination of archives when preparing evidence. Upon the successful prosecution, the case has been committed to Crown Court for Confiscation Proceedings with an estimate of financial benefits of £61,598.05

Notable cases in Chipping Barnet

1 Kings Close, London, NW4 2JU

The case concerned the unauthorised construction of an outbuilding in the rear garden and its use as three studio flats. The real estate company (the owner) was convicted and sentenced to £10,000 fine and ordered to pay prosecution costs of £2,755.60. A requirement to demolish the outbuilding outlined in the notice remained valid. The case involved complex legal argument concerning grey areas in planning law. It also involved the owner's attempts to deceive the Council as to the nature of the development. The Council took risk in going ahead with legal proceedings considering the legal uncertainty underpinning the case. Thorough analysis of the key facts of the case and a number of announced and unannounced site visits assisted greatly in revealing the owner's criminal behaviour and brought success in court.

The Jester, Mount Pleasant

The Jester pub suffered a fire in March 2018. Following the fire the owner began demolition works. However, the demolition appeared to commence on the side of the building undamaged by the fire. Planning permission is required to demolish a pub and despite application for various schemes being made no such permission has never been granted.

Demolition works were halted after the Council's intervention and in September 2018 a 's.215 notice' was served by the Council requiring that the building be restored to its former state

The owner was unsuccessful in his appeal against the notice and the court upheld the Notice on 28 March 2019. The owner was ordered to pay the Council's costs in defending the Notice.

Restoration is required within the next 9 months

3. PLANNING APPEALS

3.1 Overview of appeal decisions

In 2018, the Council received 289 appeal decisions from the Planning Inspectorate. The number of appeal decisions was higher than in 2017 (249 decisions) but in line with volumes of 2016 (294).

Appeals following a delegated decision:

Most appeals were made against the refusal of an application authorised by officers under delegated authority. 63% of appeals made following a delegated decision were dismissed by the Planning Inspectorate. This level of performance benchmarks well nationally as 61% of appeals were dismissed in England last year:

(<https://www.gov.uk/government/statistics/planning-inspectorate-statistics>)

Appeals following a committee decision:

29 of the 289 appeal decisions made by the Planning Inspectorate in 2018 related to a decision made by Planning Committee or an Area Planning Committee. 28% of appeals made following a committee decision were dismissed by the Planning Inspectorate. This compares with 21% in 2017 (for 28 decisions) and 29% in 2016 (for 31 decisions). The performance of each committee in 2018 was as follows:

- Chipping Barnet: 13 decisions of which 3 were dismissed (23%)
- Finchley and Golders Green: 17 decisions of which 4 were dismissed (23%)

- Hendon: 8 decisions of which 3 were dismissed (37%)
- Planning Committee: 1 appeal that was allowed.

79% of these appeals related to major or minor residential planning applications, 13% to house extensions and 8% to changes of use.

3.2 Overview of cost applications

In 2018, the Council settled 11 costs claims following a full award from the Planning Inspectorate about overturns of an officer's recommendation at a Planning Committee.

3 related to decisions made by the Chipping Barnet Planning Committee, 3 by the Hendon Planning Committee and 5 by the Finchley and Golders Green Planning Committee. There are 5 outstanding claims that remain to be settled.

4. REASONS FOR RECOMMENDATIONS

4.1 Not Applicable

5. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

5.1 Not Applicable

6. POST DECISION IMPLEMENTATION

6.1 Not Applicable

7. IMPLICATIONS OF DECISION

7.1 Corporate Priorities and Performance

7.1.1 Not applicable

7.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

7.2.1 Not applicable

7.3 Social Value

7.3.1 Not applicable

7.4 Legal and Constitutional References

7.4.1 Not applicable

7.5 Risk Management

7.5.1 Not applicable

7.6 Equalities and Diversity

7.6.1 Not applicable

7.7 Consultation and Engagement

7.7.1 Not applicable

5.8 Insight

5.8.1 Not applicable

8. BACKGROUND PAPERS

8.1 None

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Location Temple Fortune House Finchley Road London NW11 6XH

Reference: 19/0759/FUL

Received: 8th February 2019

Accepted: 8th February 2019

Ward: Garden Suburb

Expiry 5th April 2019

Applicant: Mr CHRIS HALL

Proposal: Re-roofing and re-tiling to roof area facing Hampstead Way

AGENDA ITEM 7

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 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.

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

3452B LP01

3452B RP01

Design and Access Statement (reference AW/AW/3452B RevA) prepared by hughes jau & panter ltd

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

- 3 a) Before the development hereby permitted commences, details of the replacement tiles (including a sample and photograph comparing the proposed tile with existing tiles) shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To protect the significance of the statutory listed building and the Hampstead Garden Suburb Conservation Area in accordance with Policy DM06 of the Adopted Barnet Development Management Policies DPD (2012) and the NPPF (2019).

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 eastern side of Finchley Road, on the northern junction with Hampstead Way, within Area 2 of the Hampstead Garden Suburb Conservation Area.

The existing building on site known as Temple Fortune House is a statutory listed building, first listed 18 March 1965.

It has retail units at ground floor and flatted units above.

The adopted Conservation Area Character Appraisal notes;

"The oldest part of Hampstead Garden Suburb embodies the social and aesthetic visions of its progenitors. It has a wide variety of housing, maisonettes, small and large cottages, and social housing. There are public buildings and recreational facilities serving the Suburb as a whole. Aesthetically, it is an early expression of Unwin's planning ideas and his belief that excellence in architectural design could be applied to cottages and major buildings alike.

The road layout exploits the gently undulating land; there are curved roads, views from the rise of the low slopes, intimate closes linked by twittens and careful treatments of corners so that vistas are closed with attractive focal buildings. The ambiance is village-like, with small greens, allotments and tennis courts provided for relaxation. The retention of boundary oak trees from the pre-existing field boundaries, together with the street trees, hedges and the generous gardens, make a lush green setting for the houses. Where roads are too narrow for street trees, trees in front garden take on an increased importance.

To the south, the grade II-listed Arcade House and Temple Fortune House mark the entrance to the Suburb from Finchley Road. The design is heavily influenced by the fortified town of Rothenberg in Bavaria and skilfully brings together shops and flats into buildings that make a dramatic statement about the entry into a designed environment.

Temple Fortune House and Arcade House are important architectural statements contributing to the character of the area. The sense of a planned streetscape does not continue after these buildings. Moving northwards the developments are varied: the Art Deco influenced style of the M&S store; blocks of NeoGeorgian flats; Birnbeck Court; a modern sheltered housing complex, consciously designed to use materials and detailing commonly found in the Suburb; and, more exotically, the green tiled 'Pantiles'. Individually, these are all interesting buildings which address the scale of the street, being of a similar height and mass, but they do not relate to each other to create any particular effect. In this central section the pavements are very wide, even where parking bays encroach onto the paved area. There are no street trees until after the junction with Willifield Way, so the general feel on the eastern side of the road is very open, even somewhat bare."

The listing text states:

"1. FINCHLEY ROAD 5004 NW11

Nos 802 to 818 (even) (Temple Fortune House) (Formerly listed under Temple Fortune)
TQ 2488 25/7 18.3.65
II

2. Two storey ranges, by Porter and Union with projecting 3 storey gabled ends. These gabled ends are carried over the pavement as a pair of arcades supported on stone piers. The general construction is brick with mock timber-frame above the shops. Above the recessed centre are hipped dormers. The gables are half-hipped and they overhang.
Listing NGR: TQ2486988651"

2. Site History

Reference: C02131
Decision: Refused
Decision Date: 07.11.1968
Description: ground floor extensions at the front of the existing shops.

Reference: C02131AK
Decision: Approved
Decision Date: 29.05.1998
Description: General refurbishment including repairs/renewal of windows, rainwater goods, repointing brickwork and retiling pitched roofs.

Reference: C02131AW/02
Decision: Approved
Decision Date: 28.02.2002
Description: Repairs to brickwork, chimneys and stonework. Replacement doors, windows, soil and waste pipes. Repairs to roof including renewal of one section, repairs to dormer windows and replacement rooflights.

Reference: C02131BE/05
Decision: Approved
Decision Date: 25.04.2005
Description: Internal alterations.

Reference: 16/3388/FUL
Decision: Approved subject to conditions
Decision date: 17.11.2016
Description: New timber frame double doors at porch of main entrance and to balcony terrace. New intercom. [Amended description]

Reference: TCF/0011/17
Decision: Trees 6 weeks expired
Decision Date: 20.02.2017
Description: 1 x Deodar cedar, 1 x Lime and 1 x Hawthorn (applicant's ref. T1, T2 and T4) - Fell

Reference: TCF/0397/17
Decision: Trees 6 weeks expired
Decision Date: 18.07.2017
Description: 1 x Plum (applicant's ref. T3) - Remove

Reference: TCM/0721/17

Decision: Trees 6 weeks expired
Decision Date: 20.11.2017
Description: 2 x Cherry Plum (applicant's ref. T5, T7) - Fell

Reference: TCF/0544/18
Decision: Trees 6 weeks expired
Decision Date: 18.09.2018
Description: 1 x Yew (situated close to boundary wall with car park of Marks and Spencer)
- Fell

3. Proposal

The submitted planning application seeks consent for the re-roofing and re-tiling of a roof area fronting Hampstead Way, situated to the south-east side of the site (outlined on plan 3452B RP01 and 3452B LP01).

The block currently has loose, missing and slipped tiles across this roofslope, and as such the proposal seeks to replace the entire area of roofing with new tiles to match existing. Tiles which are removed which are in good condition will be re-salvaged and used across other slopes across the block. These re-salvaged roof tiles will be used to maintain visual impact of the principal roof slopes.

4. Public Consultation

A site notice was erected 17 February 2019 (for the listed building consent) and 21 February 2019 (for the full planning application).

A press notice was published 17 February 2019 (for the listed building consent) and 21 February 2019 (for the full planning application).

The Hampstead Garden Suburb Conservation Area Advisory Committee were consulted at a meeting on 20 February 2019. They recommended approve subject to detail.

Historic England stated: we do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions.

The Heritage Officer at the local authority has raised no objection upon amendments.

152 consultation letters were sent to neighbouring properties (for the full planning application).

1 response has been received for the full planning application and 10 responses have been received for the listed building consent, comprising 11 letters of objection.

The letters received can be summarised as follows:

- Matters regarding a Tribunal: This application was submitted to Barnet Planning Consultation while the proposed external major works were in dispute in the First-Tier Tribunal. A decision is expected on this matter from the FTT. It needs to be noted that it was agreed during the "surveyors' meeting" and established during the Hearing that the proposed roof replacement is not necessary at this stage, as the roof has not reached the end of its effective lifespan.

- This application was submitted to Barnet Planning Consultation despite the applicant knowing that the proposed external major works were in dispute in the First-Tier Tribunal and before a decision has been reached on this matter by the FTT. The submission is premature and a waste of resources since reasonably any decision by Barnet Planning Consultation should take into account (and have waited for) the conclusion reached by the FTT who are looking closely at evidence brought by residents on this very matter as provided by a surveyor retained for this purpose.
- Piecemeal process: The roof needs to be regularly and periodically overhauled. This would prevent the tiles falling and maintain the character and style of the roof itself going forward for as long as possible. The suggested replacement of the roof on a piecemeal basis will detract from the attractiveness and character of the building itself. Furthermore regarding the costs, it would be much more cost effective to buy either new or used tiles for the 2,000 needed for the repairs.
- Quality of workmanship: The phased replacement of the roof which started in 2003, during the previous external major works, for the north tower roof elevation in Temple Fortune House was rather unsuccessful. The discolouration of the new tiles is unacceptable. Furthermore, the slipped tiles on the new roof at this stage provide evidence of the very poor workmanship. In addition no hood was used during the works to cover the roof elevation, being carried out superficially as a side job, resulted in a flood inside the flat.
- Strongly oppose the application for a section of the roof to be renewed and I strongly recommend that the roof simply be overhauled and maintained until that point when the roof will ultimately require replacement.
- It has not been established that the roof is reaching the end of its lifespan. It is very unlikely that any new roof will have the same lifespan.

Planning application should be granted only if the number of loose, missing and slipped tiles across the whole roof has been ascertained properly and if this number is too high to warrant the re-roofing to be the best route. If there is a limited localised number of repairs required, these could be done using the proposed matching tiles.

One of Temple Fortune House slopes was re-roofed during the previous works and this has not avoided tiles slipping from that slope.

- Freshwater the Management Company (the applicant) who proposed the Major Works agreed that they do not know the level of repairs required and they have to provide new Schedules of Work. This planning application should be only granted once the level of repairs needed to the whole roof has been properly ascertained and therefore it can be fully confirmed that the re-roofing route is indeed the best approach.
- Residents reports that in previous Major Works the re-roofed part of Temple Fortune House had tiles sliding and falling once it had been redone which indicates poor quality of work delivered and poor supervision of work by the Management Company
- The Residents' appointed Surveyor Report that the proposed re-roofing and re-tiling to roof area facing Hampstead Way is not complying with the Hampstead Garden Suburb regulations for Listed Buildings because it will increase the height of the building against the permitted level.

- During the recent FTT proceedings the leaseholders whose flats are under the roofs confirmed by statements that they did not have water leaks into their flats resulting from defects on the roof.
- In a couple of flats under the roof, the only leaks they had, were from the water tanks.
- The recorded incidents of roof leaks stopped in March 2014, which is an indication that the roof repairs during the previous external major works were carried out ineffectively.
- During the surveyors' meeting on 16/1/2019 it was agreed that the suggested roof replacements for Arcade House and Temple Fortune House are not necessary at this stage as the roofs are not at the end of their life span.
- The suggested re-roofing for Arcade House and Temple Fortune House is part of the phasal roof replacement plan which started during the previous External Major Works and was proved to be extremely unsuccessful.
- In particular, the roof replacement of the north tower in Temple Fortune House was carried out superficially as a side job without a hood. The result was when it rained the flat underneath had a flood.
- Furthermore, there is an obvious discolouring of the new part of the roof with the rest of the building which is a disgrace for the character of the building.

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 revised National Planning Policy Framework (NPPF) was published on 19th February 2019. 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.
- Relevant Development Management Policies: DM01, DM06

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.

Supplementary Planning Documents

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

Residential Design Guidance SPD (adopted October 2016)
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 proposals will preserve and/or enhance the character or appearance of the conservation area
- Whether the proposals would affect the statutory listed building, its significance and/or its special architectural or historic interest

5.3 Preamble

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its inclusion in the Greater London Development Plan, and subsequently in the Unitary Development Plan, as an 'Area of Special Character of Metropolitan Importance'. The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation

Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a 'who's who' of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 - 1939.

The choice of individual design elements was carefully made, reflecting the architectural period of the particular building. Each property was designed as a complete composition and design elements, such as windows, were selected appropriate to the property. The Hampstead Garden Suburb, throughout, has continuity in design of doors and windows with strong linking features, giving the development an architectural form and harmony. It is considered that a disruption of this harmony would be clearly detrimental to the special character and appearance of the Conservation Area. The front of the properties being considered of equal importance as the rear elevation, by the original architects, forms an integral part of the whole concept.

5.4 Policy and assessment of proposals

Section 72(1) of the Planning (Listed Building and Conservation Areas Act) 1990 states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

Section 66 of the Act requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority 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.

Paragraph 193 of the National Planning Policy Framework (2019) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Significance can be harmed or lost through alteration of a heritage asset.

Policy 7.8 of the London Plan states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

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

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

The property is a designated grade II listed building and is located within a designated conservation area.

For clarity the applicant has submitted a roof plan with the cross-hatched area where the proposed works will be focussed (Drawing No. 3451B RP01).

The agent has stated in writing via email (dated 29 January 2019): "The roof is reaching the end of its life span. The freeholder is taking a phased approach over a period of time. The principal is to re-salvage tiles from the area to be reroofed. These re-salvaged tiles will be used on the principal elevation, and in particular the front elevation to maintain the appearance for as long as possible. The justification for the start of this approach is that tiles have fallen onto the public highway." The tiles will be stored on the scaffold, which will be erected. The method to re-use salvaged tiles on other slopes of the building in order to minimise works is deemed acceptable. A pre-commencement condition has been attached to secure details of the proposed roof tiles to ensure they match the existing, to agreement of the agent in accordance with Section 100ZA of the Town and Country Planning Act 1990.

In conclusion, it is considered that the proposed works will preserve the character and appearance of the designated conservation area. The works will preserve the building and its special architectural and historic interest. No harm to the significance of the heritage assets would arise.

As such, the proposals are found compliant with the abovementioned planning policies.

5.4 Response to Public Consultation

- Matters regarding a Tribunal: This application was submitted to Barnet Planning Consultation while the proposed external major works were in dispute in the First-Tier Tribunal. A decision is expected on this matter from the FTT. It needs to be noted that it was agreed during the "surveyors' meeting" and established during the Hearing that the proposed roof replacement is not necessary at this stage, as the roof has not reached the end of its effective lifespan.

- This application was submitted to Barnet Planning Consultation despite the applicant knowing that the proposed external major works were in dispute in the First-Tier Tribunal and before a decision has been reached on this matter by the FTT. The submission is premature and a waste of resources since reasonably any decision by Barnet Planning Consultation should take into account (and have waited for) the conclusion reached by the FTT who are looking closely at evidence brought by residents on this very matter as provided by a surveyor retained for this purpose.

This is not a planning matter. The planning application has been assessed on its merits in accordance with development plan policy.

Notwithstanding this, the Planning Officer has been in receipt of the Tribunal decision (decision date 28 January 2019). The decision was in regards to the liability to pay and reasonableness of service charges between the lessees (i.e. those objecting to this planning application) and the applicant. The decision found that the services charges are 'fair and reasonable', and was found in favour of the applicant. It did not discuss or determine matters relating to the planning application(s).

- Piecemeal process: The roof needs to be regularly and periodically overhauled. This would prevent the tiles falling and maintain the character and style of the roof itself going forward for as long as possible. The suggested replacement of the roof on a piecemeal basis will detract from the attractiveness and character of the building itself. Furthermore regarding the costs, it would be much more cost effective to buy either new or used tiles for the 2,000 needed for the repairs.

The agent representing the applicant has explained the reasoning for this method and it has been found acceptable on planning grounds.

- Quality of workmanship: The phased replacement of the roof which started in 2003, during the previous external major works, for the north tower roof elevation in Temple Fortune House was rather unsuccessful. The discolouration of the new tiles is unacceptable. Furthermore, the slipped tiles on the new roof at this stage provide evidence of the very poor workmanship. In addition no hood was used during the works to cover the roof elevation, being carried out superficially as a side job, resulted in a flood inside the flat.

The quality of workmanship is not a planning matter.

- Strongly oppose the application for a section of the roof to be renewed and I strongly recommend that the roof simply be overhauled and maintained until that point when the roof will ultimately require replacement.

The applicant has applied on the basis of part of the roof (as specified on the plans) being replaced. This partial replacement has been deemed acceptable on planning grounds. It is not for the local planning authority to withhold consent until the whole roof will require replacement.

- It has not been established that the roof is reaching the end of its lifespan. It is very unlikely that any new roof will have the same lifespan.

Planning application should be granted only if the number of loose, missing and slipped tiles across the whole roof has been ascertained properly and if this number is too high to warrant the re-roofing to be the best route. If there is a limited localised number of repairs required, these could be done using the proposed matching tiles.

One of Temple Fortune House slopes was re-roofed during the previous works and this has not avoided tiles slipping from that slope.

The method has been deemed acceptable on planning grounds.

- Freshwater the Management Company (the applicant) who proposed the Major Works agreed that they do not know the level of repairs required and they have to provide new Schedules of Work. This planning application should be only granted once the level of repairs needed to the whole roof has been properly ascertained and therefore it can be fully confirmed that the re-roofing route is indeed the best approach.

The application proposes to replace tiles on the part of the roof specified on the plans. This has been deemed acceptable. The applicant has sufficiently set out the steps and method for the works. No further conditions are required in regards to method of works.

- Residents reports that in previous Major Works the re-roofed part of Temple Fortune House had tiles sliding and falling once it had been redone which indicates poor quality of work delivered and poor supervision of work by the Management Company

Quality of workmanship and/or supervision is not a planning matter.

- The Residents' appointed Surveyor Report that the proposed re-roofing and re-tiling to roof area facing Hampstead Way is not complying with the Hampstead Garden Suburb regulations for Listed Buildings because it will increase the height of the building against the permitted level.

The proposals would not increase the height of the building.

- During the recent FTT proceedings the leaseholders whose flats are under the roofs confirmed by statements that they did not have water leaks into their flats resulting from defects on the roof.

- In a couple of flats under the roof, the only leaks they had, were from the water tanks.

- The recorded incidents of roof leaks stopped in March 2014, which is an indication that the roof repairs during the previous external major works were carried out ineffectively.

- During the surveyors' meeting on 16/1/2019 it was agreed that the suggested roof replacements for Arcade House and Temple Fortune House are not necessary at this stage as the roofs are not at the end of their life span.

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- Furthermore, there is an obvious discolouring of the new part of the roof with the rest of the building which is a disgrace for the character

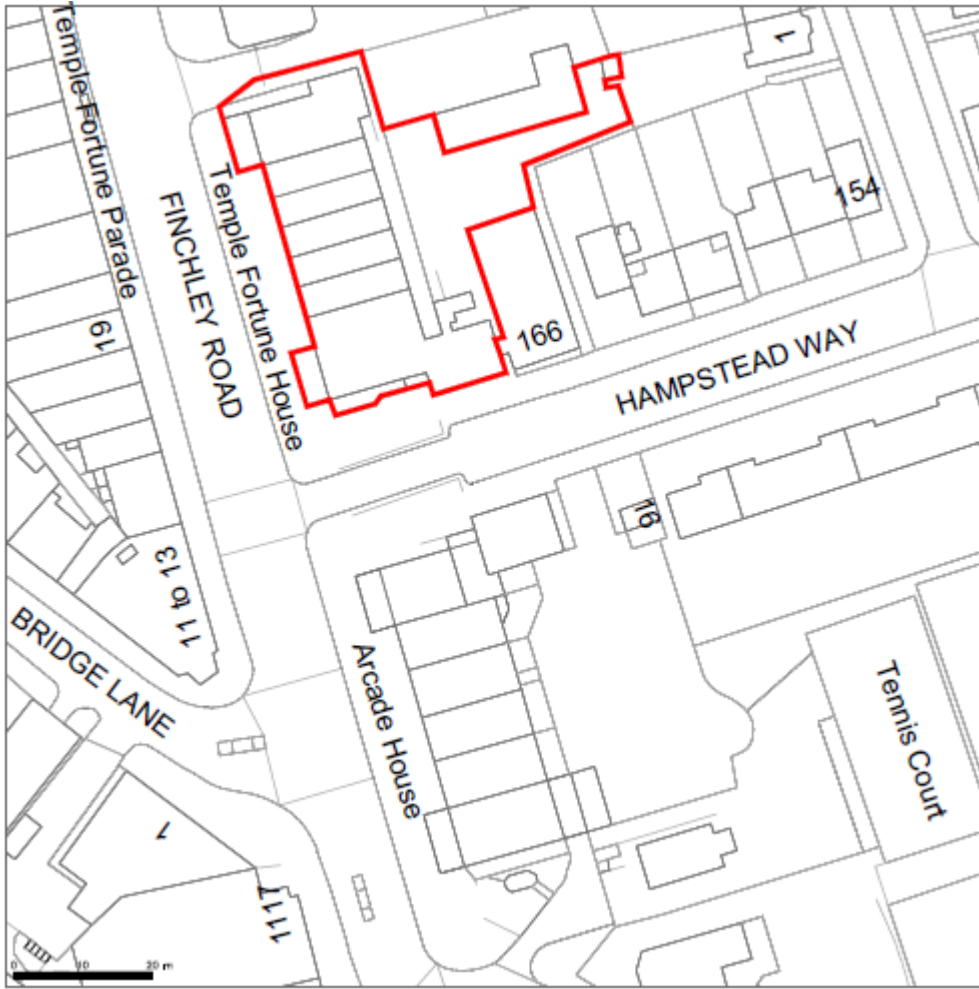
These matters have been addressed and/or are not planning matters.

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 regards to the above, no material harm to the designated heritage assets has been identified and therefore consent should be granted in accordance with Policy DM06 of Barnet's Development Management Policies document (2012). Due regard has been given to the provisions of sections 16(2) and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and the National Planning Policy Framework (2019) in this assessment.



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Location	Temple Fortune House Finchley Road London NW11 6XH	
Reference:	19/0068/LBC	Received: 4th January 2019
		Accepted: 4th January 2019
Ward:	Garden Suburb	Expiry 1st March 2019
Applicant:	Mr CHRIS HALL	
Proposal:	Re-roofing and re-tiling to roof area facing Hampstead Way [AMENDED DESCRIPTION]	

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 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).

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

3452B LP01
3452B RP01
Design and Access Statement (reference AW/AW/3452B RevA) prepared by hughes jau & panter ltd

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

- 3 a) Before the development hereby permitted commences, details of the replacement tiles (including a sample and photograph comparing the proposed tile with existing tiles) shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To protect the significance of the statutory listed building and the Hampstead Garden Suburb Conservation Area in accordance with Policy DM06 of the Adopted Barnet Development Management Policies DPD (2012) and the NPPF (2019).

- 4 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).

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 eastern side of Finchley Road, on the northern junction with Hampstead Way, within Area 2 of the Hampstead Garden Suburb Conservation Area.

The existing building on site known as Temple Fortune House is a statutory listed building, first listed 18 March 1965.

It has retail units at ground floor and flatted units above.

The adopted Conservation Area Character Appraisal notes;

"The oldest part of Hampstead Garden Suburb embodies the social and aesthetic visions of its progenitors. It has a wide variety of housing, maisonettes, small and large cottages, and social housing. There are public buildings and recreational facilities serving the Suburb as a whole. Aesthetically, it is an early expression of Unwin's planning ideas and his belief that excellence in architectural design could be applied to cottages and major buildings alike.

The road layout exploits the gently undulating land; there are curved roads, views from the rise of the low slopes, intimate closes linked by twittens and careful treatments of corners so that vistas are closed with attractive focal buildings. The ambiance is village-like, with small greens, allotments and tennis courts provided for relaxation. The retention of boundary oak trees from the pre-existing field boundaries, together with the street trees, hedges and the generous gardens, make a lush green setting for the houses. Where roads are too narrow for street trees, trees in front garden take on an increased importance.

To the south, the grade II-listed Arcade House and Temple Fortune House mark the entrance to the Suburb from Finchley Road. The design is heavily influenced by the fortified town of Rothenberg in Bavaria and skilfully brings together shops and flats into buildings that make a dramatic statement about the entry into a designed environment.

Temple Fortune House and Arcade House are important architectural statements contributing to the character of the area. The sense of a planned streetscape does not continue after these buildings. Moving northwards the developments are varied: the Art Deco influenced style of the M&S store; blocks of NeoGeorgian flats; Birnbeck Court; a modern sheltered housing complex, consciously designed to use materials and detailing commonly found in the Suburb; and, more exotically, the green tiled 'Pantiles'. Individually, these are all interesting buildings which address the scale of the street, being of a similar height and mass, but they do not relate to each other to create any particular effect. In this central section the pavements are very wide, even where parking bays encroach onto the paved area. There are no street trees until after the junction with Willifield Way, so the general feel on the eastern side of the road is very open, even somewhat bare."

The listing text states:

"1. FINCHLEY ROAD 5004 NW11

Nos 802 to 818 (even) (Temple Fortune House) (Formerly listed under Temple Fortune)
TQ 2488 25/7 18.3.65
II

2. Two storey ranges, by Porter and Union with projecting 3 storey gabled ends. These gabled ends are carried over the pavement as a pair of arcades supported on stone piers. The general construction is brick with mock timber-frame above the shops. Above the recessed centre are hipped dormers. The gables are half-hipped and they overhang.
Listing NGR: TQ2486988651"

2. Site History

Reference: C02131
Decision: Refused
Decision Date: 07.11.1968
Description: ground floor extensions at the front of the existing shops.

Reference: C02131AK
Decision: Approved
Decision Date: 29.05.1998
Description: General refurbishment including repairs/renewal of windows, rainwater goods, repointing brickwork and retiling pitched roofs.

Reference: C02131AW/02
Decision: Approved
Decision Date: 28.02.2002
Description: Repairs to brickwork, chimneys and stonework. Replacement doors, windows, soil and waste pipes. Repairs to roof including renewal of one section, repairs to dormer windows and replacement rooflights.

Reference: C02131BE/05
Decision: Approved
Decision Date: 25.04.2005
Description: Internal alterations.

Reference: 16/3388/FUL
Decision: Approved subject to conditions
Decision date: 17.11.2016
Description: New timber frame double doors at porch of main entrance and to balcony terrace. New intercom. [Amended description]

Reference: TCF/0011/17
Decision: Trees 6 weeks expired
Decision Date: 20.02.2017
Description: 1 x Deodar cedar, 1 x Lime and 1 x Hawthorn (applicant's ref. T1, T2 and T4) - Fell

Reference: TCF/0397/17
Decision: Trees 6 weeks expired
Decision Date: 18.07.2017
Description: 1 x Plum (applicant's ref. T3) - Remove

Reference: TCM/0721/17

Decision: Trees 6 weeks expired
Decision Date: 20.11.2017
Description: 2 x Cherry Plum (applicant's ref. T5, T7) - Fell

Reference: TCF/0544/18
Decision: Trees 6 weeks expired
Decision Date: 18.09.2018
Description: 1 x Yew (situated close to boundary wall with car park of Marks and Spencer)
- Fell

3. Proposal

The submitted planning application seeks consent for the re-roofing and re-tiling of a roof area fronting Hampstead Way, situated to the south-east side of the site (outlined on plan 3452B RP01 and 3452B LP01).

The block currently has loose, missing and slipped tiles across this roofslope, and as such the proposal seeks to replace the entire area of roofing with new tiles to match existing. Tiles which are removed which are in good condition will be re-salvaged and used across other slopes across the block. These re-salvaged roof tiles will be used to maintain visual impact of the principal roof slopes.

4. Public Consultation

A site notice was erected 17 February 2019 (for the listed building consent) and 21 February 2019 (for the full planning application).

A press notice was published 17 February 2019 (for the listed building consent) and 21 February 2019 (for the full planning application).

The Hampstead Garden Suburb Conservation Area Advisory Committee were consulted at a meeting on 20 February 2019. They recommended approve subject to detail.

Historic England stated: we do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions.

The Heritage Officer at the local authority has raised no objection upon amendments.

152 consultation letters were sent to neighbouring properties (for the full planning application).

1 response has been received for the full planning application and 10 responses have been received for the listed building consent, comprising 11 letters of objection.

The letters received can be summarised as follows:

- Matters regarding a Tribunal: This application was submitted to Barnet Planning Consultation while the proposed external major works were in dispute in the First-Tier Tribunal. A decision is expected on this matter from the FTT. It needs to be noted that it was agreed during the "surveyors' meeting" and established during the Hearing that the proposed roof replacement is not necessary at this stage, as the roof has not reached the end of its effective lifespan.

- This application was submitted to Barnet Planning Consultation despite the applicant knowing that the proposed external major works were in dispute in the First-Tier Tribunal and before a decision has been reached on this matter by the FTT. The submission is premature and a waste of resources since reasonably any decision by Barnet Planning Consultation should take into account (and have waited for) the conclusion reached by the FTT who are looking closely at evidence brought by residents on this very matter as provided by a surveyor retained for this purpose.
- Piecemeal process: The roof needs to be regularly and periodically overhauled. This would prevent the tiles falling and maintain the character and style of the roof itself going forward for as long as possible. The suggested replacement of the roof on a piecemeal basis will detract from the attractiveness and character of the building itself. Furthermore regarding the costs, it would be much more cost effective to buy either new or used tiles for the 2,000 needed for the repairs.
- Quality of workmanship: The phased replacement of the roof which started in 2003, during the previous external major works, for the north tower roof elevation in Temple Fortune House was rather unsuccessful. The discolouration of the new tiles is unacceptable. Furthermore, the slipped tiles on the new roof at this stage provide evidence of the very poor workmanship. In addition no hood was used during the works to cover the roof elevation, being carried out superficially as a side job, resulted in a flood inside the flat.
- Strongly oppose the application for a section of the roof to be renewed and I strongly recommend that the roof simply be overhauled and maintained until that point when the roof will ultimately require replacement.
- It has not been established that the roof is reaching the end of its lifespan. It is very unlikely that any new roof will have the same lifespan.

Planning application should be granted only if the number of loose, missing and slipped tiles across the whole roof has been ascertained properly and if this number is too high to warrant the re-roofing to be the best route. If there is a limited localised number of repairs required, these could be done using the proposed matching tiles.

One of Temple Fortune House slopes was re-roofed during the previous works and this has not avoided tiles slipping from that slope.

- Freshwater the Management Company (the applicant) who proposed the Major Works agreed that they do not know the level of repairs required and they have to provide new Schedules of Work. This planning application should be only granted once the level of repairs needed to the whole roof has been properly ascertained and therefore it can be fully confirmed that the re-roofing route is indeed the best approach.
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- The Residents' appointed Surveyor Report that the proposed re-roofing and re-tiling to roof area facing Hampstead Way is not complying with the Hampstead Garden Suburb regulations for Listed Buildings because it will increase the height of the building against the permitted level.

- During the recent FTT proceedings the leaseholders whose flats are under the roofs confirmed by statements that they did not have water leaks into their flats resulting from defects on the roof.
- In a couple of flats under the roof, the only leaks they had, were from the water tanks.
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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

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Residential Design Guidance SPD (adopted October 2016)
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5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the proposals will preserve and/or enhance the character or appearance of the conservation area
- Whether the proposals would affect the statutory listed building, its significance and/or its special architectural or historic interest

5.3 Preamble

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its inclusion in the Greater London Development Plan, and subsequently in the Unitary Development Plan, as an 'Area of Special Character of Metropolitan Importance'. The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation

Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a 'who's who' of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 - 1939.

The choice of individual design elements was carefully made, reflecting the architectural period of the particular building. Each property was designed as a complete composition and design elements, such as windows, were selected appropriate to the property. The Hampstead Garden Suburb, throughout, has continuity in design of doors and windows with strong linking features, giving the development an architectural form and harmony. It is considered that a disruption of this harmony would be clearly detrimental to the special character and appearance of the Conservation Area. The front of the properties being considered of equal importance as the rear elevation, by the original architects, forms an integral part of the whole concept.

5.4 Policy and assessment of proposals

Section 72(1) of the Planning (Listed Building and Conservation Areas Act) 1990 states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

Section 66 of the Act requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority 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.

Paragraph 193 of the National Planning Policy Framework (2019) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Significance can be harmed or lost through alteration of a heritage asset.

Policy 7.8 of the London Plan states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

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

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

The property is a designated grade II listed building and is located within a designated conservation area.

For clarity the applicant has submitted a roof plan with the cross-hatched area where the proposed works will be focussed (Drawing No. 3451B RP01).

The agent has stated in writing via email (dated 29 January 2019): "The roof is reaching the end of its life span. The freeholder is taking a phased approach over a period of time. The principal is to re-salvage tiles from the area to be reroofed. These re-salvaged tiles will be used on the principal elevation, and in particular the front elevation to maintain the appearance for as long as possible. The justification for the start of this approach is that tiles have fallen onto the public highway." The tiles will be stored on the scaffold, which will be erected. The method to re-use salvaged tiles on other slopes of the building in order to minimise works is deemed acceptable. A pre-commencement condition has been attached to secure details of the proposed roof tiles to ensure they match the existing, to agreement of the agent in accordance with Section 100ZA of the Town and Country Planning Act 1990.

In conclusion, it is considered that the proposed works will preserve the character and appearance of the designated conservation area. The works will preserve the building and its special architectural and historic interest. No harm to the significance of the heritage assets would arise.

As such, the proposals are found compliant with the abovementioned planning policies.

5.4 Response to Public Consultation

- Matters regarding a Tribunal: This application was submitted to Barnet Planning Consultation while the proposed external major works were in dispute in the First-Tier Tribunal. A decision is expected on this matter from the FTT. It needs to be noted that it was agreed during the "surveyors' meeting" and established during the Hearing that the proposed roof replacement is not necessary at this stage, as the roof has not reached the end of its effective lifespan.

- This application was submitted to Barnet Planning Consultation despite the applicant knowing that the proposed external major works were in dispute in the First-Tier Tribunal and before a decision has been reached on this matter by the FTT. The submission is premature and a waste of resources since reasonably any decision by Barnet Planning Consultation should take into account (and have waited for) the conclusion reached by the FTT who are looking closely at evidence brought by residents on this very matter as provided by a surveyor retained for this purpose.

This is not a planning matter. The planning application has been assessed on its merits in accordance with development plan policy.

Notwithstanding this, the Planning Officer has been in receipt of the Tribunal decision (decision date 28 January 2019). The decision was in regards to the liability to pay and reasonableness of service charges between the lessees (i.e. those objecting to this planning application) and the applicant. The decision found that the services charges are 'fair and reasonable', and was found in favour of the applicant. It did not discuss or determine matters relating to the planning application(s).

- Piecemeal process: The roof needs to be regularly and periodically overhauled. This would prevent the tiles falling and maintain the character and style of the roof itself going forward for as long as possible. The suggested replacement of the roof on a piecemeal basis will detract from the attractiveness and character of the building itself. Furthermore regarding the costs, it would be much more cost effective to buy either new or used tiles for the 2,000 needed for the repairs.

The agent representing the applicant has explained the reasoning for this method and it has been found acceptable on planning grounds.

- Quality of workmanship: The phased replacement of the roof which started in 2003, during the previous external major works, for the north tower roof elevation in Temple Fortune House was rather unsuccessful. The discolouration of the new tiles is unacceptable. Furthermore, the slipped tiles on the new roof at this stage provide evidence of the very poor workmanship. In addition no hood was used during the works to cover the roof elevation, being carried out superficially as a side job, resulted in a flood inside the flat.

The quality of workmanship is not a planning matter.

- Strongly oppose the application for a section of the roof to be renewed and I strongly recommend that the roof simply be overhauled and maintained until that point when the roof will ultimately require replacement.

The applicant has applied on the basis of part of the roof (as specified on the plans) being replaced. This partial replacement has been deemed acceptable on planning grounds. It is not for the local planning authority to withhold consent until the whole roof will require replacement.

- It has not been established that the roof is reaching the end of its lifespan. It is very unlikely that any new roof will have the same lifespan.

Planning application should be granted only if the number of loose, missing and slipped tiles across the whole roof has been ascertained properly and if this number is too high to warrant the re-roofing to be the best route. If there is a limited localised number of repairs required, these could be done using the proposed matching tiles.

One of Temple Fortune House slopes was re-roofed during the previous works and this has not avoided tiles slipping from that slope.

The method has been deemed acceptable on planning grounds.

- Freshwater the Management Company (the applicant) who proposed the Major Works agreed that they do not know the level of repairs required and they have to provide new Schedules of Work. This planning application should be only granted once the level of repairs needed to the whole roof has been properly ascertained and therefore it can be fully confirmed that the re-roofing route is indeed the best approach.

The application proposes to replace tiles on the part of the roof specified on the plans. This has been deemed acceptable. The applicant has sufficiently set out the steps and method for the works. No further conditions are required in regards to method of works.

- Residents reports that in previous Major Works the re-roofed part of Temple Fortune House had tiles sliding and falling once it had been redone which indicates poor quality of work delivered and poor supervision of work by the Management Company

Quality of workmanship and/or supervision is not a planning matter.

- The Residents' appointed Surveyor Report that the proposed re-roofing and re-tiling to roof area facing Hampstead Way is not complying with the Hampstead Garden Suburb regulations for Listed Buildings because it will increase the height of the building against the permitted level.

The proposals would not increase the height of the building.

- During the recent FTT proceedings the leaseholders whose flats are under the roofs confirmed by statements that they did not have water leaks into their flats resulting from defects on the roof.

- In a couple of flats under the roof, the only leaks they had, were from the water tanks.

- The recorded incidents of roof leaks stopped in March 2014, which is an indication that the roof repairs during the previous external major works were carried out ineffectively.

- During the surveyors' meeting on 16/1/2019 it was agreed that the suggested roof replacements for Arcade House and Temple Fortune House are not necessary at this stage as the roofs are not at the end of their life span.

- The suggested re-roofing for Arcade House and Temple Fortune House is part of the phasal roof replacement plan which started during the previous External Major Works and was proved to be extremely unsuccessful.

- In particular, the roof replacement of the north tower in Temple Fortune House was carried out superficially as a side job without a hood. The result was when it rained the flat underneath had a flood.

- Furthermore, there is an obvious discolouring of the new part of the roof with the rest of the building which is a disgrace for the character

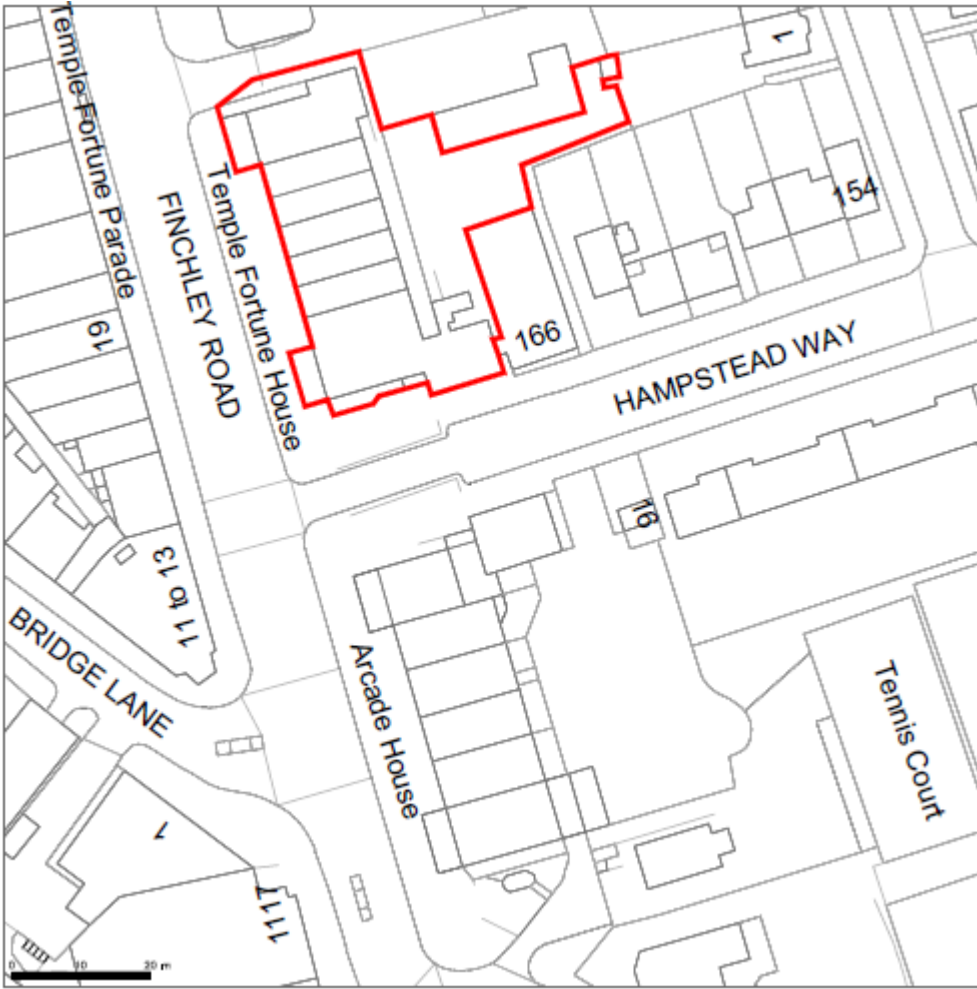
These matters have been addressed and/or are not planning matters.

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 regards to the above, no material harm to the designated heritage assets has been identified and therefore consent should be granted in accordance with Policy DM06 of Barnet's Development Management Policies document (2012). Due regard has been given to the provisions of sections 16(2) and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and the National Planning Policy Framework (2019) in this assessment.



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Location **Arcade House Finchley Road London NW11 7TL**

Reference: **19/0758/FUL**

Received: 8th February 2019

Accepted: 8th February 2019

Ward: Garden Suburb

Expiry 5th April 2019

Applicant: Mr CHRIS HALL

Proposal: Re-roofing and re-tiling to roof area facing Hampstead Way

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 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.

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

3451B LP01

3451B RP01

Design and Access Statement (reference AW/AW/3451B RevA) prepared by hughes jau & panter ltd

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

- 3 a) Before the development hereby permitted commences, details of the replacement tiles (including a sample and photograph comparing the proposed tile with existing tiles) shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To protect the significance of the statutory listed building and the Hampstead Garden Suburb Conservation Area in accordance with Policy DM06 of the Adopted Barnet Development Management Policies DPD (2012) and the NPPF (2019).

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.

Officer's Assessment

1. Site Description

The application site is located on the eastern side of Finchley Road, on the southern junction with Hampstead Way, within Area 2 of the designated Hampstead Garden Suburb Conservation Area.

The existing building on site known as Arcade House is a statutory listed building, first listed 18 March 1965.

It has retail units at ground floor and flatted units above.

The adopted Conservation Area Character Appraisal notes;

"The oldest part of Hampstead Garden Suburb embodies the social and aesthetic visions of its progenitors. It has a wide variety of housing, maisonettes, small and large cottages, and social housing. There are public buildings and recreational facilities serving the Suburb as a whole. Aesthetically, it is an early expression of Unwin's planning ideas and his belief that excellence in architectural design could be applied to cottages and major buildings alike.

The road layout exploits the gently undulating land; there are curved roads, views from the rise of the low slopes, intimate closes linked by twittens and careful treatments of corners so that vistas are closed with attractive focal buildings. The ambiance is village-like, with small greens, allotments and tennis courts provided for relaxation. The retention of boundary oak trees from the pre-existing field boundaries, together with the street trees, hedges and the generous gardens, make a lush green setting for the houses. Where roads are too narrow for street trees, trees in front garden take on an increased importance.

To the south, the grade II-listed Arcade House and Temple Fortune House mark the entrance to the Suburb from Finchley Road. The design is heavily influenced by the fortified town of Rothenberg in Bavaria and skilfully brings together shops and flats into buildings that make a dramatic statement about the entry into a designed environment.

Temple Fortune House and Arcade House are important architectural statements contributing to the character of the area. The sense of a planned streetscape does not continue after these buildings. Moving northwards the developments are varied: the Art Deco influenced style of the M&S store; blocks of NeoGeorgian flats; Birnbeck Court; a modern sheltered housing complex, consciously designed to use materials and detailing commonly found in the Suburb; and, more exotically, the green tiled 'Pantiles'. Individually, these are all interesting buildings which address the scale of the street, being of a similar height and mass, but they do not relate to each other to create any particular effect. In this central section the pavements are very wide, even where parking bays encroach onto the paved area. There are no street trees until after the junction with Willifield Way, so the general feel on the eastern side of the road is very open, even somewhat bare."

The listing text states:

"TQ 2488 25/8 5004 18.3.65

FINCHLEY ROAD NW11 Nos 788 to 800 (even) (Arcade House)

(Formerly listed as Nos 790 to 800 (even) (Arcade House)

(Formerly listed under Temple Fortune)

II

Two storey ranges, by Porter and Union with projecting 3 storey gabled ends. These gabled ends are carried over the pavement as a pair of arcades supported on stone piers. The general construction is brick with mock timber-frame above the shops. Above the recessed centre are hipped dormers. The gables are half-hipped and they overhang."

2. Site History

Reference: C02131

Decision: Refused

Decision Date: 07.11.1968

Description: ground floor extensions at the front of the existing shops.

Reference: C02131AL

Decision: Approved

Decision Date: 29.05.1998

Description: General refurbishment including repairs/renewal of windows, rainwater goods repointing brickwork and retiling pitch roofs.

Reference: C02131AT

Decision: Approved

Decision Date: 08.11.1999

Description: Retention/installation of new mains gas supply pipes on rear external wall.

Reference: C02131AV/02

Decision: Approved

Decision Date: 28.02.2002

Description: Repairs to brickwork, chimneys and stonework. Replacement doors, windows, soil and waste pipes. Repairs to roof including renewal of one section, repairs to dormer windows and replacement rooflights.

Reference: C02131AZ/04

Decision: Approved

Decision Date: 19.07.2004

Description: Installation of new cast iron soil vent pipe at rear of building.

Reference: C02131BP/05/TRE

Decision: Tree Not to Make TPO

Decision Date: 08.12.2005

Description: 1 x Poplar - Crown Lift and Pollard

Reference: C02131BP/05/TRE_B

Decision: Tree Not to Make TPO

Decision Date: 08.12.2005

Description: 1 x Poplar - Crown Lift and Pollard

Reference: F/03435/09

Decision: Approved
Decision Date: 16.11.2009
Description: Installation of a flue to the outside wall.

Reference: F/03486/09
Decision: Approved
Decision Date: 13.11.2009
Description: Installation of boiler and flue pipe in kitchen and associated works.

Reference: F/03510/09
Decision: Approved
Decision Date: 13.11.2009
Description: Installation of gas boiler flues to the rear roof and outside walls.

Reference: TCA/00618/10/F
Decision: Expired
Decision Date: 06.12.2010
Description: 1 x Lombardy Poplar (T2 Applicants Plan) - Reduce by 50%

Reference: TCA/00619/10/F
Decision: Trees Exempt
Decision Date: 01.11.2010
Description: 1 x Dead Conifer (T1 Applicants Plan) - Fell. 1 x Lombardy Poplar (T2 Applicants Plan) - Remove Split Limb Hung up in Adjacent Tree Only. 1 x Fallen Lombardy Poplar (T3 Applicants Plan) - Remove

Reference: F/00628/11
Decision: Approved
Decision Date: 18.04.2011
Description: Internal relocation of gas meter from ceiling height to a lower position.

Reference: F/01479/11
Decision: Approved
Decision Date: 12.05.2011
Description: Retention of new kitchen units and tiles and removal of ceiling tiles to expose original ceiling.

Reference: TCA/00748/13/F
Decision: Expired
Decision Date: 07.01.2014
Description: 1 x Poplar (T1 Applicants Plan) - Reduce in Height by 6m. 2 x Thorn (T2 and T3 Applicants Plan) - Fell

Reference: 16/3389/FUL
Decision: Approved subject to conditions
Decision date: 17.11.2016
Description: New timber frame double doors to porch and balcony terrace with vision panels and entry phone intercom. New metal gate to end of terrace and entry system.

Reference: TCM/0069/18
Decision: Trees exempt
Decision date: 18.01.2018

Description: Poplars - removal fallen trees/stems and broken hanging branches and stem(s) as shown in photographs to make safe

Reference: TCP/0096/18

Decision: Trees 6-week expired

Decision date: 13.03.2018

Description: 1 x Hawthorn - Remove deadwood and shape as necessary

1 x Lombardy Poplar - Reduce height by 30% (4-5m) and remove deadwood

3. Proposal

The submitted planning application seeks consent for the re-roofing and re-tiling of a roof area fronting Hampstead Way, situated to the north-east side of the site (outlined on plan no. 3451B RP01 and 3451B LP01).

The block currently has loose, missing and slipped tiles across this slope, and as such the proposal seeks to replace the entire area of roofing with new tiles to match existing. Tiles which are removed which are in good condition will be re-salvaged and used across other slopes across the block. These re-salvaged roof tiles will be used to maintain the visual impact of the principal roof slopes.

4. Public Consultation

A site notice was erected 17 February 2019 (for the listed building consent) and 21 February 2019 (for the full planning application).

A press notice was published 17 February 2019 (for the listed building consent) and 21 February 2019 (for the full planning application).

The Hampstead Garden Suburb Conservation Area Advisory Committee were consulted at a meeting on 20 February 2019. They recommended approve subject to detail.

Historic England stated: we do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions.

The Heritage Officer at the local authority has raised no objection upon amendments.

197 consultation letters were sent to neighbouring properties (for the full planning application).

4 responses have been received for the full planning application and 12 responses have been received for the listed building consent, comprising 15 letters of objection and 1 letter of comment.

The letters received can be summarised as follows:

- Matters regarding a Tribunal: This application was submitted to Barnet Planning Consultation while the proposed external major works were in dispute in the First-Tier Tribunal. A decision is expected on this matter from the FTT. It needs to be noted that it was agreed during the "surveyors' meeting" and established during the Hearing that the proposed roof replacement is not necessary at this stage, as the roof has not reached the end of its effective lifespan.

- Piecemeal process: The roof needs to be regularly and periodically overhauled. This would prevent the tiles falling and maintain the character and style of the roof itself going forward for as long as possible. The suggested replacement of the roof on a piecemeal basis will detract from the attractiveness and character of the building itself. Furthermore regarding the costs, it would be much more cost effective to buy either new or used tiles for the 2,000 needed for the repairs.
- Quality of workmanship: The phased replacement of the roof which started in 2003, during the previous external major works, for the north tower roof elevation in Temple Fortune House was rather unsuccessful. The discolouration of the new tiles is unacceptable. Furthermore, the slipped tiles on the new roof at this stage provide evidence of the very poor workmanship. In addition no hood was used during the works to cover the roof elevation, being carried out superficially as a side job, resulted in a flood inside the flat.
- Strongly oppose the application for a section of the roof to be renewed and I strongly recommend that the roof simply be overhauled and maintained until that point when the roof will ultimately require replacement.
- It has not been established that the roof is reaching the end of its lifespan. It is very unlikely that any new roof will have the same lifespan.
- Planning application should be granted only if the number of loose, missing and slipped tiles across the whole roof has been ascertained properly and if this number is too high to warrant the re-roofing to be the best route. If there is a limited localised number of repairs required, these could be done using the proposed matching tiles.
- One of Temple Fortune House slopes was re-roofed during the previous works and this has not avoided tiles slipping from that slope.
- Freshwater the Management Company (the applicant) who proposed the Major Works agreed that they do not know the level of repairs required and they have to provide new Schedules of Work. This planning application should be only granted once the level of repairs needed to the whole roof has been properly ascertained and therefore it can be fully confirmed that the re-roofing route is indeed the best approach.
- Residents reports that in previous Major Works the re-roofed part of Temple Fortune House had tiles sliding and falling once it had been redone which indicates poor quality of work delivered and poor supervision of work by the Management Company
- The Residents' appointed Surveyor Report that the proposed re-roofing and re-tiling to roof area facing Hampstead Way is not complying with the Hampstead Garden Suburb regulations for Listed Buildings because it will increase the height of the building against the permitted level.
- During the recent FTT proceedings the leaseholders whose flats are under the roofs confirmed by statements that they did not have water leaks into their flats resulting from defects on the roof.
- In a couple of flats under the roof, the only leaks they had, were from the water tanks.

- The recorded incidents of roof leaks stopped in March 2014, which is an indication that the roof repairs during the previous external major works were carried out ineffectively.
- During the surveyors' meeting on 16/1/2019 it was agreed that the suggested roof replacements for Arcade House and Temple Fortune House are not necessary at this stage as the roofs are not at the end of their life span.
- The suggested re-roofing for Arcade House and Temple Fortune House is part of the phasal roof replacement plan which started during the previous External Major Works and was proved to be extremely unsuccessful.
- In particular, the roof replacement of the north tower in Temple Fortune House was carried out superficially as a side job without a hood. The result was when it rained the flat underneath had a flood.
- Furthermore, there is an obvious discolouring of the new part of the roof with the rest of the building which is a disgrace for the character of the building.

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 revised National Planning Policy Framework (NPPF) was published on 19th February 2019. 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.
- Relevant Development Management Policies: DM01, DM06

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.

Supplementary Planning Documents

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

Residential Design Guidance SPD (adopted October 2016)

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 proposals will preserve and/or enhance the character or appearance of the conservation area
- Whether the proposals would affect the statutory listed building, its significance and/or its special architectural or historic interest

5.3 Preamble

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its inclusion in the Greater London Development Plan, and subsequently in the Unitary Development Plan, as an 'Area of Special Character of Metropolitan Importance'. The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a 'who's who' of the best architects of

the period and consequently, a history of domestic architecture of the period of 1900 - 1939.

The choice of individual design elements was carefully made, reflecting the architectural period of the particular building. Each property was designed as a complete composition and design elements, such as windows, were selected appropriate to the property. The Hampstead Garden Suburb, throughout, has continuity in design of doors and windows with strong linking features, giving the development an architectural form and harmony. It is considered that a disruption of this harmony would be clearly detrimental to the special character and appearance of the Conservation Area. The front of the properties being considered of equal importance as the rear elevation, by the original architects, forms an integral part of the whole concept.

5.4 Policy and assessment of proposals

Section 72(1) of the Planning (Listed Building and Conservation Areas Act) 1990 states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

Section 66 of the Act requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority 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.

Paragraph 193 of the National Planning Policy Framework (2019) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Significance can be harmed or lost through alteration of a heritage asset.

Policy 7.8 of the London Plan states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

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

The property is a designated grade II listed building and is located within a designated conservation area.

For clarity the applicant has submitted a roof plan with the cross-hatched area where the proposed works will be focussed (Drawing No. 3451B RP01).

The agent has stated in writing via email (dated 29 January 2019): "The roof is reaching the end of its life span. The freeholder is taking a phased approach over a period of time. The principal is to re-salvage tiles from the area to be reroofed. These re-salvaged tiles will

be used on the principal elevation, and in particular the front elevation to maintain the appearance for as long as possible. The justification for the start of this approach is that tiles have fallen onto the public highway." The tiles will be stored on the scaffold, which will be erected. The method to re-use salvaged tiles on other slopes of the building in order to minimise works is deemed acceptable. A pre-commencement condition has been attached to secure details of the proposed roof tiles to ensure they match the existing, to agreement of the agent in accordance with Section 100ZA of the Town and Country Planning Act 1990.

In conclusion, it is considered that the proposed works will preserve the character and appearance of the designated conservation area. The works will preserve the building and its special architectural and historic interest. No harm to the significance of the heritage assets would arise.

As such, the proposals are found compliant with the abovementioned planning policies.

5.4 Response to Public Consultation

- Matters regarding a Tribunal: This application was submitted to Barnet Planning Consultation while the proposed external major works were in dispute in the First-Tier Tribunal. A decision is expected on this matter from the FTT. It needs to be noted that it was agreed during the "surveyors' meeting" and established during the Hearing that the proposed roof replacement is not necessary at this stage, as the roof has not reached the end of its effective lifespan.

This is not a planning matter. The planning application has been assessed on its merits in accordance with development plan policy.

Notwithstanding this, the Planning Officer has been in receipt of the Tribunal decision (decision date 28 January 2019). The decision was in regards to the liability to pay and reasonableness of service charges between the lessees (i.e. those objecting to this planning application) and the applicant. The decision found that the services charges are 'fair and reasonable', and was found in favour of the applicant. It did not discuss or determine matters relating to the planning application(s).

- Piecemeal process: The roof needs to be regularly and periodically overhauled. This would prevent the tiles falling and maintain the character and style of the roof itself going forward for as long as possible. The suggested replacement of the roof on a piecemeal basis will detract from the attractiveness and character of the building itself. Furthermore regarding the costs, it would be much more cost effective to buy either new or used tiles for the 2,000 needed for the repairs.

The agent representing the applicant has explained the reasoning for this method and it has been found acceptable on planning grounds.

- Quality of workmanship: The phased replacement of the roof which started in 2003, during the previous external major works, for the north tower roof elevation in Temple Fortune House was rather unsuccessful. The discolouration of the new tiles is unacceptable. Furthermore, the slipped tiles on the new roof at this stage provide evidence of the very poor workmanship. In addition no hood was used during the works to cover the roof elevation, being carried out superficially as a side job, resulted in a flood inside the flat.

The quality of workmanship is not a planning matter.

- Strongly oppose the application for a section of the roof to be renewed and I strongly recommend that the roof simply be overhauled and maintained until that point when the roof will ultimately require replacement.

The applicant has applied on the basis of part of the roof (as specified on the plans) being replaced. This partial replacement has been deemed acceptable on planning grounds. It is not for the local planning authority to withhold consent until the whole roof will require replacement.

- It has not been established that the roof is reaching the end of its lifespan. It is very unlikely that any new roof will have the same lifespan.

Planning application should be granted only if the number of loose, missing and slipped tiles across the whole roof has been ascertained properly and if this number is too high to warrant the re-roofing to be the best route. If there is a limited localised number of repairs required, these could be done using the proposed matching tiles.

One of Temple Fortune House slopes was re-roofed during the previous works and this has not avoided tiles slipping from that slope.

The method has been deemed acceptable on planning grounds.

- Freshwater the Management Company (the applicant) who proposed the Major Works agreed that they do not know the level of repairs required and they have to provide new Schedules of Work. This planning application should be only granted once the level of repairs needed to the whole roof has been properly ascertained and therefore it can be fully confirmed that the re-roofing route is indeed the best approach.

The application proposes to replace tiles on the part of the roof specified on the plans. This has been deemed acceptable. The applicant has sufficiently set out the steps and method for the works. No further conditions are required in regards to method of works.

- Residents reports that in previous Major Works the re-roofed part of Temple Fortune House had tiles sliding and falling once it had been redone which indicates poor quality of work delivered and poor supervision of work by the Management Company

Quality of workmanship and/or supervision is not a planning matter.

- The Residents' appointed Surveyor Report that the proposed re-roofing and re-tiling to roof area facing Hampstead Way is not complying with the Hampstead Garden Suburb regulations for Listed Buildings because it will increase the height of the building against the permitted level.

The proposals would not increase the height of the building.

- During the recent FTT proceedings the leaseholders whose flats are under the roofs confirmed by statements that they did not have water leaks into their flats resulting from defects on the roof.

- In a couple of flats under the roof, the only leaks they had, were from the water tanks.

- The recorded incidents of roof leaks stopped in March 2014, which is an indication that the roof repairs during the previous external major works were carried out ineffectively.
- During the surveyors' meeting on 16/1/2019 it was agreed that the suggested roof replacements for Arcade House and Temple Fortune House are not necessary at this stage as the roofs are not at the end of their life span.
- The suggested re-roofing for Arcade House and Temple Fortune House is part of the phasal roof replacement plan which started during the previous External Major Works and was proved to be extremely unsuccessful.
- In particular, the roof replacement of the north tower in Temple Fortune House was carried out superficially as a side job without a hood. The result was when it rained the flat underneath had a flood.
- Furthermore, there is an obvious discolouring of the new part of the roof with the rest of the building which is a disgrace for the character

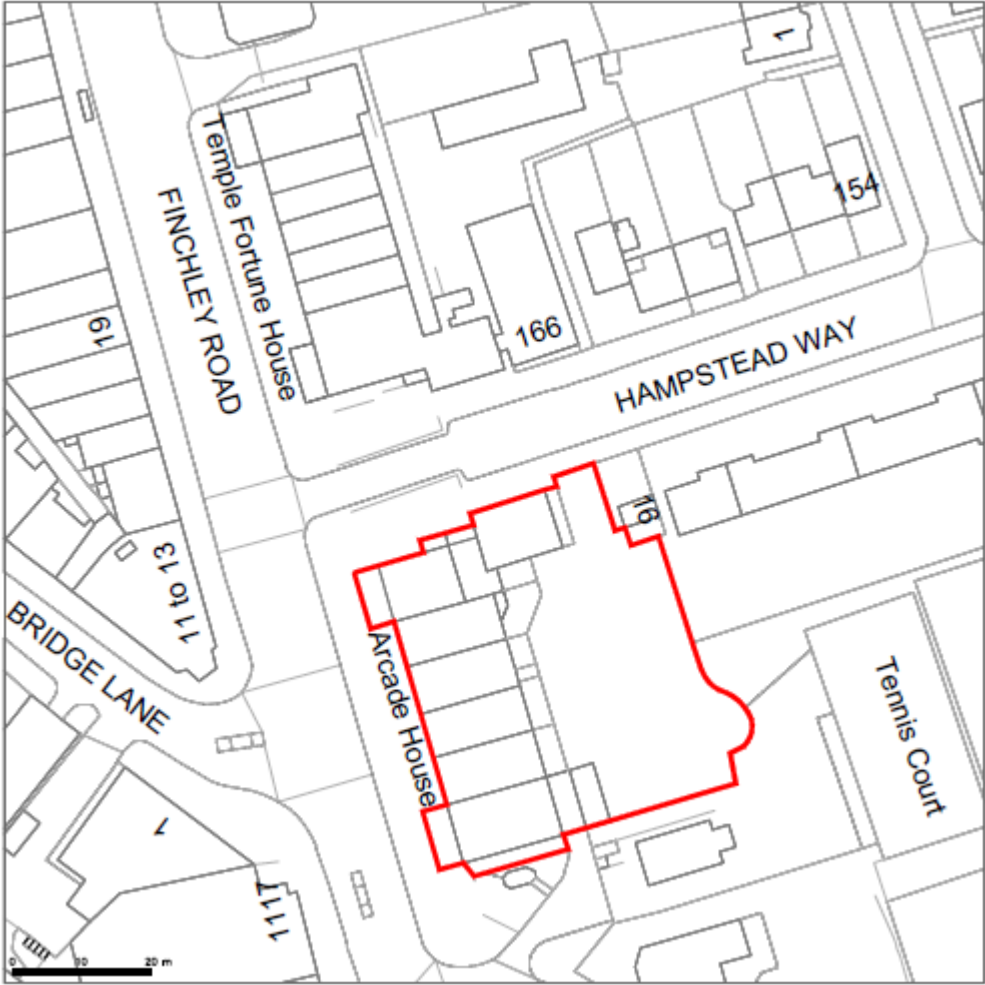
These matters have been addressed and/or are not planning matters.

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 regards to the above, no material harm to the designated heritage assets has been identified and therefore consent should be granted in accordance with Policy DM06 of Barnet's Development Management Policies document (2012). Due regard has been given to the provisions of sections 16(2) and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and the National Planning Policy Framework (2019) in this assessment.



Location **Arcade House Finchley Road London NW11 7TL**

Reference: **19/0078/LBC**

Received: 4th January 2019

AGENDA ITEM 10

Accepted: 4th January 2019

Ward: Garden Suburb

Expiry 1st March 2019

Applicant: Mr Chris Hall

Proposal: Re-roofing and re-tiling to roof area facing Hampstead Way

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 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).

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

3451B LP01

3451B RP01

Design and Access Statement (reference AW/AW/3451B RevA) prepared by hughes jau & panter ltd

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

- 3 a) Before the development hereby permitted commences, details of the replacement tiles (including a sample and photograph comparing the proposed tile with existing tiles) shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To protect the significance of the statutory listed building and the Hampstead Garden Suburb Conservation Area in accordance with Policy DM06 of the Adopted Barnet Development Management Policies DPD (2012) and the NPPF (2019).

- 4 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).

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.

Officer's Assessment

1. Site Description

The application site is located on the eastern side of Finchley Road, on the southern junction with Hampstead Way, within Area 2 of the designated Hampstead Garden Suburb Conservation Area.

The existing building on site known as Arcade House is a statutory listed building, first listed 18 March 1965.

It has retail units at ground floor and flatted units above.

The adopted Conservation Area Character Appraisal notes;

"The oldest part of Hampstead Garden Suburb embodies the social and aesthetic visions of its progenitors. It has a wide variety of housing, maisonettes, small and large cottages, and social housing. There are public buildings and recreational facilities serving the Suburb as a whole. Aesthetically, it is an early expression of Unwin's planning ideas and his belief that excellence in architectural design could be applied to cottages and major buildings alike.

The road layout exploits the gently undulating land; there are curved roads, views from the rise of the low slopes, intimate closes linked by twittens and careful treatments of corners so that vistas are closed with attractive focal buildings. The ambiance is village-like, with small greens, allotments and tennis courts provided for relaxation. The retention of boundary oak trees from the pre-existing field boundaries, together with the street trees, hedges and the generous gardens, make a lush green setting for the houses. Where roads are too narrow for street trees, trees in front garden take on an increased importance.

To the south, the grade II-listed Arcade House and Temple Fortune House mark the entrance to the Suburb from Finchley Road. The design is heavily influenced by the fortified town of Rothenberg in Bavaria and skilfully brings together shops and flats into buildings that make a dramatic statement about the entry into a designed environment.

Temple Fortune House and Arcade House are important architectural statements contributing to the character of the area. The sense of a planned streetscape does not continue after these buildings. Moving northwards the developments are varied: the Art Deco influenced style of the M&S store; blocks of NeoGeorgian flats; Birnbeck Court; a modern sheltered housing complex, consciously designed to use materials and detailing commonly found in the Suburb; and, more exotically, the green tiled 'Pantiles'. Individually, these are all interesting buildings which address the scale of the street, being of a similar height and mass, but they do not relate to each other to create any particular effect. In this central section the pavements are very wide, even where parking bays encroach onto the paved area. There are no street trees until after the junction with Willifield Way, so the general feel on the eastern side of the road is very open, even somewhat bare."

The listing text states:

"TQ 2488 25/8 5004 18.3.65

FINCHLEY ROAD NW11 Nos 788 to 800 (even) (Arcade House)

(Formerly listed as Nos 790 to 800 (even) (Arcade House)

(Formerly listed under Temple Fortune)

II

Two storey ranges, by Porter and Union with projecting 3 storey gabled ends. These gabled ends are carried over the pavement as a pair of arcades supported on stone piers. The general construction is brick with mock timber-frame above the shops. Above the recessed centre are hipped dormers. The gables are half-hipped and they overhang."

2. Site History

Reference: C02131

Decision: Refused

Decision Date: 07.11.1968

Description: ground floor extensions at the front of the existing shops.

Reference: C02131AL

Decision: Approved

Decision Date: 29.05.1998

Description: General refurbishment including repairs/renewal of windows, rainwater goods repointing brickwork and retiling pitch roofs.

Reference: C02131AT

Decision: Approved

Decision Date: 08.11.1999

Description: Retention/installation of new mains gas supply pipes on rear external wall.

Reference: C02131AV/02

Decision: Approved

Decision Date: 28.02.2002

Description: Repairs to brickwork, chimneys and stonework. Replacement doors, windows, soil and waste pipes. Repairs to roof including renewal of one section, repairs to dormer windows and replacement rooflights.

Reference: C02131AZ/04

Decision: Approved

Decision Date: 19.07.2004

Description: Installation of new cast iron soil vent pipe at rear of building.

Reference: C02131BP/05/TRE

Decision: Tree Not to Make TPO

Decision Date: 08.12.2005

Description: 1 x Poplar - Crown Lift and Pollard

Reference: C02131BP/05/TRE_B

Decision: Tree Not to Make TPO

Decision Date: 08.12.2005

Description: 1 x Poplar - Crown Lift and Pollard

Reference: F/03435/09

Decision: Approved
Decision Date: 16.11.2009
Description: Installation of a flue to the outside wall.

Reference: F/03486/09
Decision: Approved
Decision Date: 13.11.2009
Description: Installation of boiler and flue pipe in kitchen and associated works.

Reference: F/03510/09
Decision: Approved
Decision Date: 13.11.2009
Description: Installation of gas boiler flues to the rear roof and outside walls.

Reference: TCA/00618/10/F
Decision: Expired
Decision Date: 06.12.2010
Description: 1 x Lombardy Poplar (T2 Applicants Plan) - Reduce by 50%

Reference: TCA/00619/10/F
Decision: Trees Exempt
Decision Date: 01.11.2010
Description: 1 x Dead Conifer (T1 Applicants Plan) - Fell. 1 x Lombardy Poplar (T2 Applicants Plan) - Remove Split Limb Hung up in Adjacent Tree Only. 1 x Fallen Lombardy Poplar (T3 Applicants Plan) - Remove

Reference: F/00628/11
Decision: Approved
Decision Date: 18.04.2011
Description: Internal relocation of gas meter from ceiling height to a lower position.

Reference: F/01479/11
Decision: Approved
Decision Date: 12.05.2011
Description: Retention of new kitchen units and tiles and removal of ceiling tiles to expose original ceiling.

Reference: TCA/00748/13/F
Decision: Expired
Decision Date: 07.01.2014
Description: 1 x Poplar (T1 Applicants Plan) - Reduce in Height by 6m. 2 x Thorn (T2 and T3 Applicants Plan) - Fell

Reference: 16/3389/FUL
Decision: Approved subject to conditions
Decision date: 17.11.2016
Description: New timber frame double doors to porch and balcony terrace with vision panels and entry phone intercom. New metal gate to end of terrace and entry system.

Reference: TCM/0069/18
Decision: Trees exempt
Decision date: 18.01.2018

Description: Poplars - removal fallen trees/stems and broken hanging branches and stem(s) as shown in photographs to make safe

Reference: TCP/0096/18

Decision: Trees 6-week expired

Decision date: 13.03.2018

Description: 1 x Hawthorn - Remove deadwood and shape as necessary

1 x Lombardy Poplar - Reduce height by 30% (4-5m) and remove deadwood

3. Proposal

The submitted planning application seeks consent for the re-roofing and re-tiling of a roof area fronting Hampstead Way, situated to the north-east side of the site (outlined on plan no. 3451B RP01 and 3451B LP01).

The block currently has loose, missing and slipped tiles across this, and as such the proposal seeks to replace the entire area of roofing with new tiles to match existing. Tiles which are removed which are in good condition will be re-salvaged and used across other slopes across the block. These re-salvaged roof tiles will be used to maintain visual impact of the principal roof slopes.

4. Public Consultation

A site notice was erected 17 February 2019 (for the listed building consent) and 21 February 2019 (for the full planning application).

A press notice was published 17 February 2019 (for the listed building consent) and 21 February 2019 (for the full planning application).

The Hampstead Garden Suburb Conservation Area Advisory Committee were consulted at a meeting on 20 February 2019. They recommended approve subject to detail.

Historic England stated: we do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions.

The Heritage Officer at the local authority has raised no objection upon amendments.

197 consultation letters were sent to neighbouring properties (for the full planning application).

4 responses have been received for the full planning application and 12 responses have been received for the listed building consent, comprising 15 letters of objection and 1 letter of comment.

The letters received can be summarised as follows:

- Matters regarding a Tribunal: This application was submitted to Barnet Planning Consultation while the proposed external major works were in dispute in the First-Tier Tribunal. A decision is expected on this matter from the FTT. It needs to be noted that it was agreed during the "surveyors' meeting" and established during the Hearing that the proposed roof replacement is not necessary at this stage, as the roof has not reached the end of its effective lifespan.

- Piecemeal process: The roof needs to be regularly and periodically overhauled. This would prevent the tiles falling and maintain the character and style of the roof itself going forward for as long as possible. The suggested replacement of the roof on a piecemeal basis will detract from the attractiveness and character of the building itself. Furthermore regarding the costs, it would be much more cost effective to buy either new or used tiles for the 2,000 needed for the repairs.
- Quality of workmanship: The phased replacement of the roof which started in 2003, during the previous external major works, for the north tower roof elevation in Temple Fortune House was rather unsuccessful. The discolouration of the new tiles is unacceptable. Furthermore, the slipped tiles on the new roof at this stage provide evidence of the very poor workmanship. In addition no hood was used during the works to cover the roof elevation, being carried out superficially as a side job, resulted in a flood inside the flat.
- Strongly oppose the application for a section of the roof to be renewed and I strongly recommend that the roof simply be overhauled and maintained until that point when the roof will ultimately require replacement.
- It has not been established that the roof is reaching the end of its lifespan. It is very unlikely that any new roof will have the same lifespan.
- Planning application should be granted only if the number of loose, missing and slipped tiles across the whole roof has been ascertained properly and if this number is too high to warrant the re-roofing to be the best route. If there is a limited localised number of repairs required, these could be done using the proposed matching tiles.

One of Temple Fortune House slopes was re-roofed during the previous works and this has not avoided tiles slipping from that slope.

- Freshwater the Management Company (the applicant) who proposed the Major Works agreed that they do not know the level of repairs required and they have to provide new Schedules of Work. This planning application should be only granted once the level of repairs needed to the whole roof has been properly ascertained and therefore it can be fully confirmed that the re-roofing route is indeed the best approach.
- Residents reports that in previous Major Works the re-roofed part of Temple Fortune House had tiles sliding and falling once it had been redone which indicates poor quality of work delivered and poor supervision of work by the Management Company
- The Residents' appointed Surveyor Report that the proposed re-roofing and re-tiling to roof area facing Hampstead Way is not complying with the Hampstead Garden Suburb regulations for Listed Buildings because it will increase the height of the building against the permitted level.
- During the recent FTT proceedings the leaseholders whose flats are under the roofs confirmed by statements that they did not have water leaks into their flats resulting from defects on the roof.
- In a couple of flats under the roof, the only leaks they had, were from the water tanks.

- The recorded incidents of roof leaks stopped in March 2014, which is an indication that the roof repairs during the previous external major works were carried out ineffectively.
- During the surveyors' meeting on 16/1/2019 it was agreed that the suggested roof replacements for Arcade House and Temple Fortune House are not necessary at this stage as the roofs are not at the end of their life span.
- The suggested re-roofing for Arcade House and Temple Fortune House is part of the phasal roof replacement plan which started during the previous External Major Works and was proved to be extremely unsuccessful.
- In particular, the roof replacement of the north tower in Temple Fortune House was carried out superficially as a side job without a hood. The result was when it rained the flat underneath had a flood.
- Furthermore, there is an obvious discolouring of the new part of the roof with the rest of the building which is a disgrace for the character of the building.

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 revised National Planning Policy Framework (NPPF) was published on 19th February 2019. 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.
- Relevant Development Management Policies: DM01, DM06

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.

Supplementary Planning Documents

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

Residential Design Guidance SPD (adopted October 2016)

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 proposals will preserve and/or enhance the character or appearance of the conservation area
- Whether the proposals would affect the statutory listed building, its significance and/or its special architectural or historic interest

5.3 Preamble

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its inclusion in the Greater London Development Plan, and subsequently in the Unitary Development Plan, as an 'Area of Special Character of Metropolitan Importance'. The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a 'who's who' of the best architects of

the period and consequently, a history of domestic architecture of the period of 1900 - 1939.

The choice of individual design elements was carefully made, reflecting the architectural period of the particular building. Each property was designed as a complete composition and design elements, such as windows, were selected appropriate to the property. The Hampstead Garden Suburb, throughout, has continuity in design of doors and windows with strong linking features, giving the development an architectural form and harmony. It is considered that a disruption of this harmony would be clearly detrimental to the special character and appearance of the Conservation Area. The front of the properties being considered of equal importance as the rear elevation, by the original architects, forms an integral part of the whole concept.

5.4 Policy and assessment of proposals

Section 72(1) of the Planning (Listed Building and Conservation Areas Act) 1990 states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

Section 66 of the Act requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority 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.

Paragraph 193 of the National Planning Policy Framework (2019) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Significance can be harmed or lost through alteration of a heritage asset.

Policy 7.8 of the London Plan states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

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

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

The property is a designated grade II listed building and is located within a designated conservation area.

For clarity the applicant has submitted a roof plan with the cross-hatched area where the proposed works will be focussed (Drawing No. 3451B RP01).

The agent has stated in writing via email (dated 29 January 2019): "The roof is reaching the end of its life span. The freeholder is taking a phased approach over a period of time. The principal is to re-salvage tiles from the area to be reroofed. These re-salvaged tiles will

be used on the principal elevation, and in particular the front elevation to maintain the appearance for as long as possible. The justification for the start of this approach is that tiles have fallen onto the public highway." The tiles will be stored on the scaffold, which will be erected. The method to re-use salvaged tiles on other slopes of the building in order to minimise works is deemed acceptable. A pre-commencement condition has been attached to secure details of the proposed roof tiles to ensure they match the existing, to agreement of the agent in accordance with Section 100ZA of the Town and Country Planning Act 1990.

In conclusion, it is considered that the proposed works will preserve the character and appearance of the designated conservation area. The works will preserve the building and its special architectural and historic interest. No harm to the significance of the heritage assets would arise.

As such, the proposals are found compliant with the abovementioned planning policies.

5.4 Response to Public Consultation

- Matters regarding a Tribunal: This application was submitted to Barnet Planning Consultation while the proposed external major works were in dispute in the First-Tier Tribunal. A decision is expected on this matter from the FTT. It needs to be noted that it was agreed during the "surveyors' meeting" and established during the Hearing that the proposed roof replacement is not necessary at this stage, as the roof has not reached the end of its effective lifespan.

This is not a planning matter. The planning application has been assessed on its merits in accordance with development plan policy.

Notwithstanding this, the Planning Officer has been in receipt of the Tribunal decision (decision date 28 January 2019). The decision was in regards to the liability to pay and reasonableness of service charges between the lessees (i.e. those objecting to this planning application) and the applicant. The decision found that the services charges are 'fair and reasonable', and was found in favour of the applicant. It did not discuss or determine matters relating to the planning application(s).

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The agent representing the applicant has explained the reasoning for this method and it has been found acceptable on planning grounds.

- Quality of workmanship: The phased replacement of the roof which started in 2003, during the previous external major works, for the north tower roof elevation in Temple Fortune House was rather unsuccessful. The discolouration of the new tiles is unacceptable. Furthermore, the slipped tiles on the new roof at this stage provide evidence of the very poor workmanship. In addition no hood was used during the works to cover the roof elevation, being carried out superficially as a side job, resulted in a flood inside the flat.

The quality of workmanship is not a planning matter.

- Strongly oppose the application for a section of the roof to be renewed and I strongly recommend that the roof simply be overhauled and maintained until that point when the roof will ultimately require replacement.

The applicant has applied on the basis of part of the roof (as specified on the plans) being replaced. This partial replacement has been deemed acceptable on planning grounds. It is not for the local planning authority to withhold consent until the whole roof will require replacement.

- It has not been established that the roof is reaching the end of its lifespan. It is very unlikely that any new roof will have the same lifespan.

Planning application should be granted only if the number of loose, missing and slipped tiles across the whole roof has been ascertained properly and if this number is too high to warrant the re-roofing to be the best route. If there is a limited localised number of repairs required, these could be done using the proposed matching tiles.

One of Temple Fortune House slopes was re-roofed during the previous works and this has not avoided tiles slipping from that slope.

The method has been deemed acceptable on planning grounds.

- Freshwater the Management Company (the applicant) who proposed the Major Works agreed that they do not know the level of repairs required and they have to provide new Schedules of Work. This planning application should be only granted once the level of repairs needed to the whole roof has been properly ascertained and therefore it can be fully confirmed that the re-roofing route is indeed the best approach.

The application proposes to replace tiles on the part of the roof specified on the plans. This has been deemed acceptable. The applicant has sufficiently set out the steps and method for the works. No further conditions are required in regards to method of works.

- Residents reports that in previous Major Works the re-roofed part of Temple Fortune House had tiles sliding and falling once it had been redone which indicates poor quality of work delivered and poor supervision of work by the Management Company

Quality of workmanship and/or supervision is not a planning matter.

- The Residents' appointed Surveyor Report that the proposed re-roofing and re-tiling to roof area facing Hampstead Way is not complying with the Hampstead Garden Suburb regulations for Listed Buildings because it will increase the height of the building against the permitted level.

The proposals would not increase the height of the building.

- During the recent FTT proceedings the leaseholders whose flats are under the roofs confirmed by statements that they did not have water leaks into their flats resulting from defects on the roof.

- In a couple of flats under the roof, the only leaks they had, were from the water tanks.

- The recorded incidents of roof leaks stopped in March 2014, which is an indication that the roof repairs during the previous external major works were carried out ineffectively.
- During the surveyors' meeting on 16/1/2019 it was agreed that the suggested roof replacements for Arcade House and Temple Fortune House are not necessary at this stage as the roofs are not at the end of their life span.
- The suggested re-roofing for Arcade House and Temple Fortune House is part of the phasal roof replacement plan which started during the previous External Major Works and was proved to be extremely unsuccessful.
- In particular, the roof replacement of the north tower in Temple Fortune House was carried out superficially as a side job without a hood. The result was when it rained the flat underneath had a flood.
- Furthermore, there is an obvious discolouring of the new part of the roof with the rest of the building which is a disgrace for the character

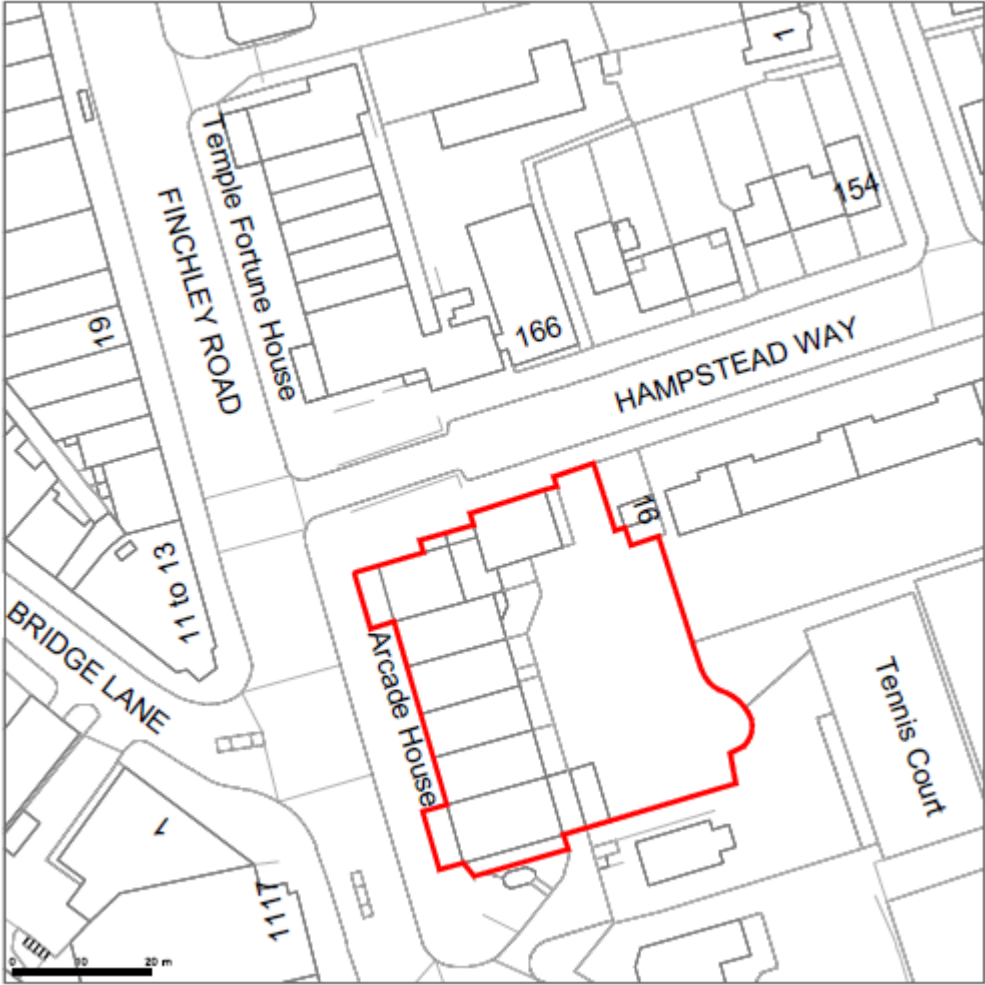
These matters have been addressed and/or are not planning matters.

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 regards to the above, no material harm to the designated heritage assets has been identified and therefore consent should be granted in accordance with Policy DM06 of Barnet's Development Management Policies document (2012). Due regard has been given to the provisions of sections 16(2) and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and the National Planning Policy Framework (2019) in this assessment.



Location Wellington Place Great North Road London N2 0PN

Reference: 18/4897/FUL

Received: 8th August 2018

Accepted: 8th August 2018

Ward: Garden Suburb

Expiry 3rd October 2018

Applicant: Mr Larry Lipman

Proposal:

Addition of two new floors at third and fourth floor level to four blocks of existing two bedroom flats to provide an additional seven new two bed duplex apartments. Associated parking, refuse and recycling store and cycle store. (AMENDED APPLICATION FORM AND CERTIFICATE B)

AGENDA ITEM 11

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. Cost of amending traffic order to prevent residents of the development from obtaining parking permits - £2,022
Monitoring of the 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:

- Existing and Proposed Front Elevations, Drawing No.WP-AE01D;
- Existing and Proposed Rear Elevations, Drawing No.WP-AE02D;
- Existing and Proposed Side Elevations, Drawing No.WP-AE03C;
- Existing Floor Plans Blocks A,B&D, Drawing No.WP-AGE01A;
- Existing Roof Plans Blocks A,B&D, Drawing No.WP-AGE02;
- Existing Floor Plans and Block C, Drawing No.WP-AGE03A;
- Proposed Site Development Plan, Drawing No.WP-AGD01B;
- Proposed Massing Axonometric with External Staircase Details, Drawing No.WP-AD01
- Proposed Floor Plans Blocks A,B&D, Drawing No.WP-AGP01B;
- Proposed Floor Plans Blocks A,B&D Floors Second, Third and Roof, Drawing No.WP-AGP02A;
- Proposed Floor Plans and Block C, Drawing No.WP-AGP03.

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

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

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

3 No 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 contractors compound and car parking arrangements;

- x. Details of interim car parking management arrangements for the duration of construction;
- xi. Provision of a 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.

4 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).

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

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

7 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 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.

8 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.

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

This sound insulation shall ensure that the levels of noise generated from 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.

10 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).

11 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed to the rooftop terraces 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).

12 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.

13 Prior to occupation of the development the proposed parking spaces within the parking area as shown in [WP-AGD01 Rev.B] 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.

RECOMMENDATION III:

1 That if an agreement has not been completed by 30/04/2019 unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control should REFUSE the application 18/4897/FUL under delegated powers for the following reasons:

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.

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 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 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

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

- 4 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 5 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.
- 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.

Officer's Assessment

1. Site Description

The application site is comprised of four two storey blocks of flats on the western side of Great North Road/ High Road, within the East Finchley Ward. 1.2 The buildings are comprised of 2 flats per block, with Blocks A, B and D each accommodating 4 x 2 bed units and Block C accommodating 2 x 2 bed units.

The buildings are not listed nor do they lie within a Conservation Area, although The Bishops Avenue is located further north of the site, which lies within the Hampstead Garden Suburb Conservation Area.

Directly to the north of the site, lie two small two storey cottages.

To the south, is a purpose-built block of flats at three storeys in height, which lies in the jurisdiction of the London Borough of Haringey.

On the opposite side of the road, lie a mixture of buildings including a two-storey car show room, a four storey (three storey with rooms in roof space) office building and a three storey office building.

To the west, the site abuts allotments.

The site is within a 5-minute walk from East Finchley Underground Station.

2. Site History

No relevant planning history

3. Proposal

The application proposes the following works:

Addition of two new floors at third and fourth floor level to four blocks of existing two bedroom flats to provide an additional seven new two bed duplex apartments. Associated parking, refuse and recycling store and cycle store.

The scheme has been amended during the application process to reduce the size of the proposed fourth floor and to encase the proposed stairways to each block. The units would be comprised of 7no. 2x bedroom duplex apartments with associated roof terracing on the top floor.

4. Public Consultation

Consultation letters were sent to 117 neighbouring properties. 28 responses were received.

Re-consultation took place on the 29th October 2018 for an additional 21 days on amended drawings which were provided by the applicant. 22 responses were received.

In total, 50 responses have been received, comprising 50 letters of objection, 0 letters of support and 0 letters of comment.

The objections received can be summarised as follows:

- Building on top of existing units;
- Disruption caused by building works to residents of the existing units at ground and first floor;
- Security - proposed staircase would cross existing bathroom windows of units at first floor;
- Loss of privacy to units at ground and first floor level by the proposed staircases to the upper floors;
- Parking - not enough spaces for new units on the existing site;
- Loss of light into existing units;
- Loss of loft space for storage for existing units;
- Potential cost of maintenance of new building/the site;
- Reduced access to existing units;
- Appearance - new development would be unattractive compared with the existing units;
- Foundation strength of the existing units to support additional floors;
- Adequacy of existing drainage, sewerage and other services to the existing and proposed units;
- Access reduced to the rear gardens of the existing ground floor units;
- Proposed parking provision blocking access to existing units;
- Manoeuvrability of cars on the site reduced;
- Bin locations blocking access to existing units, concerns regarding hygiene;
- Reduced access to existing gas and electricity metres;
- Dwarfing neighbouring buildings;
- External staircases being unsightly;
- External Staircases being a potential health and safety risk in bad weather;
- Noise generated by new residents;
- Maintenance costs for all residents;
- Height of the new development would increase potential overlooking to existing units and gardens;
- The introduction of a flat roof requiring maintenance;
- The introduction of render will require maintenance;
- Bins could be a potential fire risk;
- Consultation to include the Cherry Tree Allotments to the rear;
- Loss of light to allotments;
- No affordable housing provided;
- Design not in keeping with the rest of this part of the road;
- Potential building debris from construction works;
- The increased height will reduce views from the road to the allotments to the rear;
- Overdevelopment of the area and site;
- Impact on nearby wildlife;
- Highways safety issues of vehicles entering/leaving the site;
- Structural damage could be caused by development to the existing units;
- Concerns regarding the use of cladding as a material;
- The proposed waste bin location may be hard to access for some existing residents;
- Concerns regarding maintenance of a green roof.

The application was deferred from the February meeting of this committee to enable residents to address a future meeting. Subsequently, an amended application form has been submitted and a further consultation has been undertaken.

3 comments have been received, which re-iterate concerns raised previously:

- overdevelopment
- out of character
- overlooking
- lack of parking
- will result in overspill parking in Haringey

Internal consultees:

Highways: No objection subject to conditions and a legal agreement restricting future occupiers from being eligible for obtaining residents parking permits, through amendments to the Traffic Management Order.

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 (and updated on 19th February 2019). 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.
- Relevant Development Management Policies: DM01, DM02, DM04, 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.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents
- Quality of Proposed Accommodation for Future Occupiers
- Highways Issues

5.3 Assessment of proposals

- Impact on Character of the Area

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

□ The principle of flatted development

In terms of the increase in height to the existing blocks following the demolition of the pitched roofs to the existing blocks, officers raise no objection to this given the variation in forms, heights and overall design on this section of the road. It is considered that the buildings as existing offer an opportunity to increase the density of each block and thus make better use of the plot. The recesses from either side and from the front have been increased during the application process to reduce the prominence of the additional two storeys within the streetscene and to provide amenity space

Whilst planning does not seek to replicate design, development, whether modern or traditional in style, should be harmonious and sympathetic to its setting. Officers welcome a contemporary design in this case.

During the application process concern was raised by officers with regards to the bulk, massing and prominence of the external staircases which would be added to the flank elevations of each block to facilitate access to the proposed upper floor units. This part of the scheme has been amended to enclose the proposed staircases.

□ Impact on Amenity of Neighbouring Occupiers

New development should have due regard to the amenity of existing occupiers and in neighbouring buildings.

The Residential Design Guidance SPD states that to mitigate overlooking between residential units, the minimum distance between windows serving habitable rooms should be 21 metres and that there should be a distance of 10.5 metres between a new development and a neighbouring garden. Given the allotments to the rear and the commercial building opposite, in addition to the distance of neighbouring occupiers, it is not considered that the proposed increase in height or additional flats would result in a loss of privacy to neighbouring occupiers to the south.

It is not considered that the increase in height to the blocks, in particular Block D which neighbours cottages to the north, would have an overbearing impact on neighbouring gardens. The top floor would be recessed from the front and flank elevations which is considered to be acceptable.

□ Loss of Light/Privacy to Existing Occupiers

The proposal includes a stairwell to each of the flank elevations which will be set back to avoid covering existing windows at ground and first floor levels.

Officers are satisfied that given the orientation of the site and that the flank windows serve non-habitable rooms, any loss of light caused by the proposed stairwells on each of the flank walls (side elevations) of the existing blocks, would not result in a significant loss of residential amenity to warrant refusal of the application.

To overcome the potential overlooking or loss of privacy to flank windows and doors from the stairwells, the plans have been amended so that stairwells are enclosed which overcomes this issue.

Regarding the allotments to the rear and the potential loss of light, the allotments are positioned to the rear/south of the proposal site and officers are satisfied that the introduction of additional height at the proposal site will not detrimentally affect the existing use of the allotments. It is suggested a condition is attached to any permission to secure a Demolition and Construction Management Plan to be submitted by the applicant which will take into account the construction and minimising impact to existing occupiers and the surrounding area.

Quality of Proposed 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 2016. Table 2.2 of the Sustainable Design and Construction SPD specifies that double bedrooms should provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm, in line with the National Standards. All units should be designed with a total area and room size and ceiling height to meet the minimum requirements set out in the London Plan and Barnet's Sustainable Design and Construction SPD. The scheme would need to demonstrate compliance with the relevant standards.

- 2 bedroom 3-person flat (double storey) requires a minimum of 70sqm;
- 2 bedroom 4-person flat (double storey) requires a minimum of 79sqm.

The proposal floorspaces exceed the above requirements for all proposed new units.

New flats are expected to provide suitable outlook and light to all habitable rooms whilst not compromising the amenities of neighbouring occupiers. The Council Sustainable Design and Construction SPD stipulates that "the positioning of doors and windows should also be considered and single aspect dwellings should be avoided". Based on floor plans and elevation plans provided, it is considered that the units would benefit from suitable outlook.

In terms of stacking, the bedrooms and bathrooms to the new units will be on the floor above the existing first floor flats, the new living rooms and kitchens will be on the top floor.

Amenity Space

In accordance with the Mayors Housing SPG, outdoor amenity space should be provided for all units. Barnet's Sustainable Design and Construction SPD requires 5 metres per habitable room of amenity space to be provided, with rooms larger than 20 square metres counting as 2 habitable rooms.

The provision for private amenity space for each of the duplex units is to be provided at fourth floor level, accessed from the upper floor of each of the proposed units.

- Roof terraces of 20.52m² have been provided for each proposed unit in blocks A, B, C and D;

The proposed amenity space is sufficient to comply with Barnet's sustainable Design and Construction SPD.

The existing amenity space for the ground units is to be retained to the rear of the units.

Privacy screens have been proposed between blocks A, B and D's private amenity space at fourth floor level. Conditions have been attached to secure details of the privacy screens and their implementation.

□ighways

The proposal site benefits from a PTAL 4 which is considered to be good with the site being in close proximity to East Finchley Underground station and bus stops on the High Road.

With regard to parking, the following parking spaces are proposed as part of this application:

- Parking for 22 vehicles (14 off street in Wellington Place in dedicated bays);
- 3No. Electric Charging Points located on site;
- 4no. Motor cycle parking bays;
- Cycle store for 16 bicycles.

It is also proposed that the current access arrangements to Wellington Place are to be improved, utilising the current crossovers, but incorporating a one directional with sign-posted in and out regime, to enable dedicated parking to existing and proposed apartments.

Highways officers have provided consultee comments on the application which are summarised below:

Controlled parking is in place on the road abutting the site (M/Q) which is in operation from Mon-Sat between the hours of 10am-6:30pm. According to requirements set out on Policy DM17 of the Barnet Local Plan, the off-street car parking requirements for a proposal such as this is 25 spaces. This means an under provision of 11 car parking spaces.

The applicant has provided a Transport Note with the application. In section 4.3 of this document, the applicant has agreed to amending the traffic management order to restrict future occupiers of this development from obtaining resident parking permits.

Taking into consideration the following;

- * The site is within a Control Parking Zone (M/Q) in operation mon-sat 10am-6:30pm.
- * It is located within a town centre location
- * It is within walking distance of local amenities
- * The site lies within a PTAL 4 site, which is considered to be good public transport accessibility

It is considered that the proposal would be acceptable with a Legal Agreement to amend the Traffic Order that regulates the schedule of addresses for the CPZ where the site is located.

A further point to be noted is the loss of the use of the existing garages on the site to be replaced with the external staircases and storage space for the units. Following the highways consultation received above, it is considered that the loss of garages would not result in a detrimental impact to the parking allocation which is existing on the site as 14 spaces would remain. The shortfall in spaces to serve the new flats can be mitigated through the proposed legal agreement as set out above.

□mpacts on Wildlife

Concerns have been raised about potential impacts on wildlife. However, as the proposal is to be positioned on top of existing units it is considered not to detrimentally impact nearby wildlife.

□aste and Recycling

The proposal provides the following:

- 2x240Ltr mixed recycling and 1x240 ltr for additional residual waste bins for each side of each block;
- Laminate slated door bin stores located under canopies between the entrances to the existing ground floor and first floor apartments.

Officers consider that the provision is in accordance with Barnet Waste and Recycling policy.

5.4 Response to Public Consultation

Main points addressed within the assessment of the proposal.

Security and Privacy:

- Concerns were raised with regard to security to the existing and proposed units due to the initial proposal of external staircases. The amendment to enclose the staircases is assessed to overcome the concerns regarding stairs next to windows of the existing units as they would be only accessible to residents of the upper floor units to access the proposed flats.

Construction Noise and Disturbance:

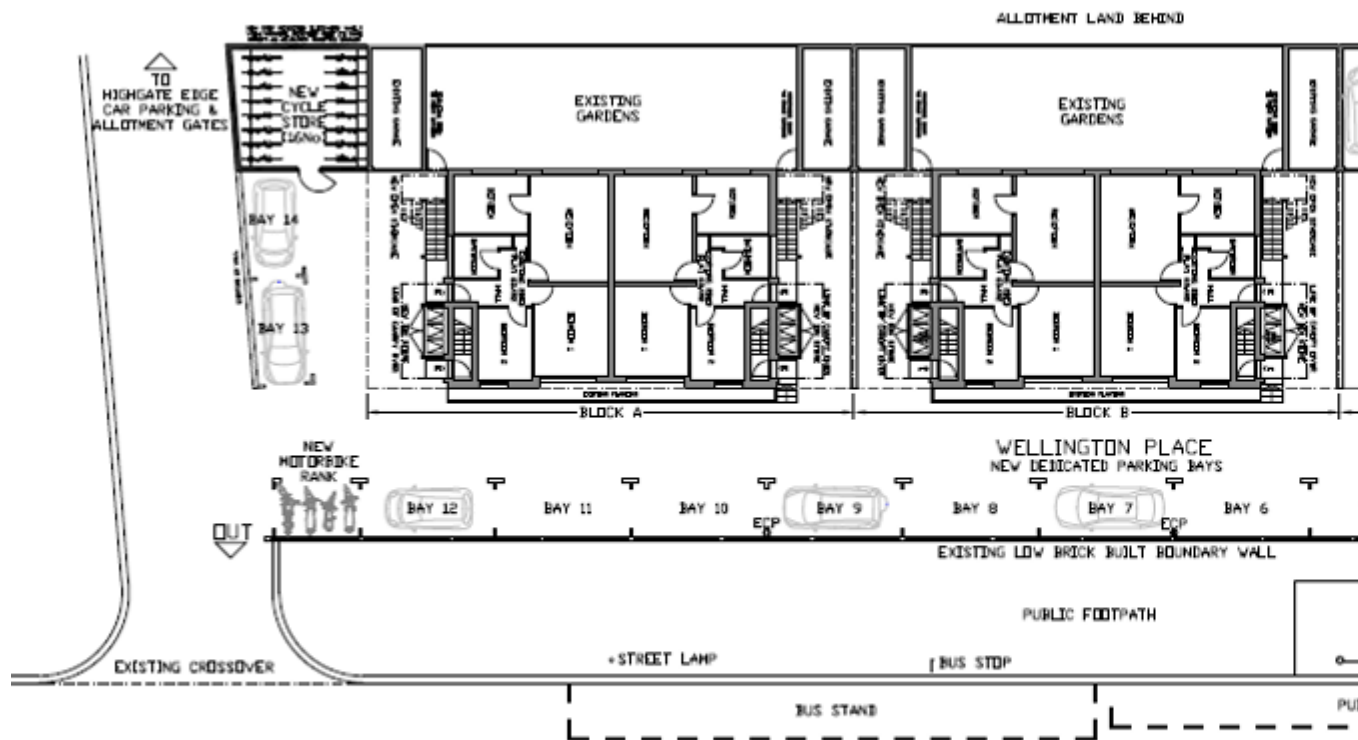
A condition has been suggested regarding providing a demolition and construction management plan prior to commencement of building works and restriction of times of works on site.

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.



A100 GREAT NORTH ROAD
 ← INCLINE OF ROAD & DEVELOPMENT SITE 1&2

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Location 290 - 294 Golders Green Road London NW11 9PY

Reference: 17/7568/S73

Received: 29th November 2017

Accepted: 30th November 2017

Ward: Golders Green

Expiry 1st March 2018

Applicant: Golders Green Properties Ltd

Proposal:

Variation of condition 1 (Plans) pursuant to planning permission 16/3806/FUL dated 05/09/2016 for "Erection of a part two, part four, part five, part six storey building with lower ground floor and basements providing 60 residential flats with ancillary spa facility; associated car and cycle parking, landscaping and associated other works with access from Golders Green Road." Variation includes re-configuring the layout of the building at basement and basement mezzanine level, including the removing an area from the south-east end of the building and removal of basement level two. Removal of spa to enlarge approved 4no flats at lower ground floor level. Reduction in the width of the front foyer area to increase the size of 4no flats (8, 9, 10 & 11) at ground floor level. New lightwells and soft landscaping to south-east end of building.

AGENDA ITEM 12

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. A financial contribution of £640,000 towards Affordable Housing and a late stage review mechanism
4. Provision of a Residential Travel Plan
5. Monitoring costs of £5,000 for the Residential Travel Plan and £250 for the legal agreement.

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:

AD-00-00-06-01 PL6 ELEVATION 01,
AD-00-00-06-02 PL6 ELEVATION 02,
AD-00-00-06-03 PL6 ELEVATION 03,
AD-00-00-06-04 PL6 ELEVATION 04,
AD-00-00-06-05 PL6 ELEVATION 05,
AD-00-00-06-06 PL6 ELEVATION 06,
AD-00-00-06-11 PL6 E1 WITH OUTLINE,
AD-00-00-06-12 PL6 E2 WITH OUTLINE,
AD-00-00-06-13 PL6 E3 WITH OUTLINE,
AD-00-00-06-14 PL6 E4 WITH OUTLINE,
AD-00-00-06-15 PL6 E5 WITH OUTLINE,
AD-00-00-06-16 PL6 E6 WITH OUTLINE,
AD-00-00-06-21 PL6 SECTION 01,
AD-00-00-06-22 PL6 SECTION 02,
AD-00-00-06-23 PL6 SECTION 03,
AD- 01-00-01-01 PL6 1ST FLOOR PLAN,
AD-02-00-01-01 PL6 2ND FLOOR PLAN,
AD-03-00-01-01 PL6 3RD FLOOR PLAN,
AD-04-00-01-01 PL6 4TH FLOOR PLAN,
AD-05-00-01-01 PL6 5TH FLOOR PLAN,
6135-PL-001 Rev. C GROUND FLOOR AS PROPOSED
6135-PL-002 Rev. C LOWER GROUND FLOOR AS PROPOSED
6135-PL-003 BASEMENT MEZZANINE AS PROPOSED
6135-PL-004 Rev. A BASEMENT 1 AS PROPOSED
6135-PL-025A SECTIONAA AS PROPOSED
AD-RF-00-01-01 PL6 ROOF PLAN,
AD-LC-00-01-01 PL6 LOCATION PLAN,
AD-ST-00-01-01 PL6 SITE PLAN,
AD-ST-00-01-02 PL6 SITE PLAN DIMENSIONED,
Air Quality Assessment,
Arboricultural Assessment,
Archaeology,
Design and Access Statement,
Ecological Assessment,
Energy Statement,
Flood Risk Assessment sm1,
Site Investigation Report,
Transport Statement,
Travel Plan,
Utility Statement,

Ventilation Strategy,
Acoustic Assessment Report,
Urban Landscape Design Strategy & Visual Impact Assessment,
Soil Survey
Hours in Sun report
Planning Statement
SCI

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

- 2 This development must be begun within three years from the date of the original permission ref: 16/3806/FUL dated 05/09/2016

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

- 3 The development hereby permitted shall not commence until a parking management plan is approved that includes details of parking spaces, details of visitors/servicing, allocation of parking spaces per units, controlling and monitoring of parking areas, including enforcement for non-correct use of parking areas, details of Electric Vehicle Charging points. All parking spaces shall be provided and permanently used only for residential accommodation within the development 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.

- 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) 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.

6 a) The site shall not be brought into use or first occupied until details of the means of enclosure and sub-division of amenity spaces 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).

7 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).

- 8 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).

- 9 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.

- 10 a) No development other than demolition work shall take place until details of the location within the development and specification of the 6 units to be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users shall be submitted to and approved in writing by the Local Planning Authority.

The specification provided for those identified units shall provide sufficient particulars to demonstrate how the units will be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users.

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

Reason: To ensure that the development is accessible for all members of the community and to comply with Policy DM02 of the Development Management Policies DPD (adopted September 2012) and Policies 3.8 and 7.2 of the London Plan 2016.

- 11 a) Prior to the occupation of the hereby approved development, details of a Landscaping Scheme and Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

- 12 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.

- 13 Before the development hereby permitted is occupied a scheme of ecological improvement shall be submitted in writing to the Local Planning Authority with an appropriate timetable. These measures shall be implemented in accordance with the approved details and timetable, and shall be permanently maintained thereafter.

Reason: To ensure that ecological improvements are secured in accordance with policy DM16 of the Development Management Policies DPD (adopted September 2012).

- 14 Before the development hereby permitted is occupied, details of proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with these details.

Reason: To safeguard local amenity in accordance with policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012) and policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012).

- 15 Prior to the commencement of the development hereby approved a Construction Management and Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the approved plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- Details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- Site preparation and construction stages of the development;
- A Site Waste Management Plan and details of provisions to be made for recycling of materials.
- The provision on site of a storage/delivery area for all plant, site huts, site facilities, waste and materials.
- 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;
- The methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- 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;
- Noise mitigation measures for all plant and processors;
- Details of contractors compound and car parking arrangements;
- Details of interim car parking management arrangements for the duration of construction; and
- 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 a sustainable waste management 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.

- 16 Piling or any other penetrative construction method shall not be permitted other than with the express written consent of the Local Planning Authority,. In the event that piling is sought, then a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried

out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To ensure that the piling design is protective of below ground utility infrastructure assets and controlled waters in accordance with policy DM04 of the Adopted Barnet Development Management Policies 2012.

- 17 Before the development is occupied, the proposals identified in the energy statement submitted shall be implemented in accordance with the details within this document and permanently retained 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), Barnet Sustainable Design and Construction SPD (2016), Policies 5.2 and 5.3 of the London Plan (2016) and the Mayors Housing SPG.

- 18 Before the development is occupied, details of the designated amenity areas and how access to these will be provided shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details.

Reason: To ensure that residents have access to adequate amenity space in accordance with policy DM02 of the Adopted Barnet Development Management Policies 2012.

- 19 Before the development hereby permitted is occupied cycle storage and parking shall be implemented and permanently maintained in accordance with the approved details.

Reason: To ensure that the proposals have an acceptable impact on highway and pedestrian safety in accordance with policy DM17 of the Adopted Barnet Development Management Policies 2012.

- 20 Before the development hereby permitted is occupied, details of electric car charging points shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with these details.

Reason: To ensure that the development achieves satisfactory environmental performance in accordance with policy 5.2 of the Mayors London Plan 2016 and policy DM17 of the Barnet Development Management Policies DPD (2012).

- 21 Prior to the first occupation of the development a scheme detailing all play equipment to be installed in the communal amenity space shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the details as approved prior to the first occupation of the development.

Reason: To ensure that the development represents high quality design and to accord with policy CS7 of the Adopted Core Strategy (2012) and policy DM02 of the Development Management Policies DPD (2012) and policy 3.6 of the London Plan (2016).

- 22 a) Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.
- b) 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 (2016), and Policy 5.3 of the London Plan (2016).

- 23 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic noise has been submitted to and approved in writing by the Local Planning Authority.
- b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or the first occupation of the development and retained as such thereafter.

Reason: To ensure the amenities of occupiers are not prejudiced by traffic 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 (2016), and 7.15 of The London Plan (2016).

- 24 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 10% 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.

- 25 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 40% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 26 Before the development hereby permitted commences, a SuDS Construction Plan shall be submitted. The SuDS Construction Plan shall demonstrate that SuDS shall be constructed in accordance with appropriate applicable standards to ensure that there is no consequential damage to the functionality of the sewerage and drainage system. The Plan shall also address the operation and long term maintenance plan for the SuDS. The development shall be constructed in full accordance with these details.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.13 and 5.14 of the London Plan (2016).

- 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.

RECOMMENDATION III:

- 1 That if the above agreement has not been completed or a unilateral undertaking has not been signed by 07 June 2019, unless otherwise agreed in writing, the Service Director - Planning and Building Control can REFUSE the application under delegated powers for the following reasons:

The applicant has failed to provide a financial contribution towards Affordable Housing. As a result the development would fail to provide any form of Affordable Housing either through a commuted sum or affordable units. This would be contrary to Policy DM10 of Barnets Development Management Policies (2012).

The applicant has failed to provide a Residential Travel Plan. The proposal would therefore not address the impacts of the development on the adjacent public highway network. This would be contrary to Policy DM17 of Barnets Development Management Policies (2012).

The applicant has failed to pay a monitoring fee to ensure the s.106 agreements are fully implemented. This would be 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. 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 Waste Comments

Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit thameswater.co.uk/buildover

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses. Swimming Pools - Where the proposal includes a swimming pool Thames Water requests that the following conditions are adhered to with regard to the emptying of swimming pools into a public sewer to prevent the risk of flooding or surcharging: - 1.The pool to be emptied overnight and in dry periods. 2.The discharge rate is

controlled such that it does not exceed a flow rate of 5 litres/ second into the public sewer network.

No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method

statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

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 Waters Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Thames Water recommend the following informative be attached to this planning permission. 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.

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

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

- 4 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 5 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

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

Officer's Assessment

1. Site Description

The site is the former Harvester site addressed 290-294 Golders Green Road. The site forms an area of approximately 0.4 hectares.

There is a tree preservation order on the site that covers a number of individual and group trees. It appears that historically some of these trees have been cut down, though this appears to have been done a considerable period of time ago and there is no suggestion that this was done by the current owners.

This application relates to an L-shaped, gap site located on the north-eastern side of Golders Green Road. The plot includes the former site of the Harvester Restaurant and part of the car park which served the Roman House office building immediately adjacent to the site.

The site is situated between Princes Park Avenue to the south-east and Golders Green Road to the south-west. This part of Golders Green Road consists of a mixture of commercial and residential buildings of varying heights, with traditional, suburban housing on the side streets and to the rear of the site. Princes Park Avenue is a residential street comprising of a mix of detached and semi-detached dwellings, which are predominantly two-storeys in height, with pitched roofs.

The site is adjacent to the four-storey commercial office block, Roman House which was built in the 1990's and to the other side, across the junction with Princes Park Avenue, is a three-storey purpose built residential block of flats known as Phildor Court. To the front of the site, Golders Green Road is characterised by commercial premises at ground floor with elements of residential accommodation above.

The topography and site levels vary, sloping down towards the North Circular Road (A406) to the north-west and Decoy Brook to the north; and upwards to Golders Green to the south-east. The ground levels therefore drop from the corner of the site at its junction with Princes Park Avenue to where it meets its western boundary with Roman House and from the front of the site bordering Golders Green Road to the rear boundary with Decoy Brook.

2. Site History

Reference: 16/3806/FUL

Address: 290-294 Golders Green Road, London, NW11 9PY

Description: Erection of a part two, part four, part five, part six storey building with lower ground floor and basements providing 60 residential flats with ancillary spa facility; associated car and cycle parking, landscaping and associated other works with access from Golders Green Road.

Decision: Approved following legal agreement

Decision Date: 5 September 2016

Reference: 15/05062/FUL

Address: Harvester Restaurants, The Prince Albert, 290 - 292 Golders Green Road, London, NW11 9PY

Description: Erection of a part two, part six, part seven storey building with lower ground floor and basements providing 67 residential flats with ancillary resident's spa facility,

associated car and cycle parking, landscaping and associated other works with access from Golders Green Road.

Decision: Refused

Decision Date: 4 February 2016

Appeal Reference: APP/N5090/W/16/3155067

Appeal Decision: Dismissed

Appeal Date: 29 November 2016

Reference: F/05593/13

Address: Harvester Restaurants, The Prince Albert, 290 - 292 Golders Green Road, London, NW11 9PY

Description: Erection of a part two, part six, part seven storey building with lower ground floor and basements providing 75 residential flats with ancillary resident's spa facility; associated car and cycle parking, landscaping and associated other works with access from Golders Green Road.

Decision: Refused

Decision Date: 6 March 2015

Reference: F/02179/10

Address: Harvester Restaurants, The Prince Albert, 290 - 292 Golders Green Road, London, NW11 9PY

Description: Extension of time limit for planning permission reference C00513Z/07 dated 05/06/2007 for construction of three storey building with basements and lower ground floors to create 62 self-contained flats and 1020sqm of health facility (D1 use) with provision for 89 cars and 80 cycle spaces with access from Golders Green Road. Associated landscaping.

Decision: Withdrawn

Decision Date: 24 August 2010

Reference: F/00247/08

Address: Harvester Restaurants, The Prince Albert, 290 - 292 Golders Green Road, London, NW11 9PY

Description: Construction of a five-storey building with basement and lower ground floor to create 41 self-contained flats and 1020sqm of health facility (D1 use) with provision for 83 cars and 80 cycle spaces with access from Golders Green Road. Associated landscaping.

Decision: Approved following legal agreement

Decision Date: 7 July 2008

Reference: C00513AA/08

Address: 290-294 Golders Green Road London NW11 9PY

Description: Construction of five storey building with basements and lower ground floor to create 45 self-contained flats and 1020sqm of health facility (D1 use) with provision for 83 cars and 80 cycle spaces with access from Golders Green Road. Associated landscaping.

Decision: Approved following legal agreement

Decision Date: 23 May 2008

Reference: C00513Z/07

Address: 290-294 Golders Green Road London NW11 9PY

Description: Construction of three storey building with basements and lower ground floors to create 62 self-contained flats and 1020sqm of health facility (D1 use) with provision for 89 cars and 80 cycle spaces with access from Golders Green Road. Associated landscaping.

Decision: Approved following legal agreement

Decision Date: 06 June 2007

Reference: C00513Y/05

Address: 290-294 Golders Green Road London NW11 9PY

Description: New three-storey building to provide 14 self-contained flats with basement parking.

Decision: Refused

Decision Date: 11 August 2006

Reference: C00513X/04

Address: Site Of 290 To 292, Golders Green Road, London, NW11 9PY

Description: Erection of a part two, part three, part four storey building to provide a synagogue and car parking at basement level, Class A2 commercial floorspace at ground floor level, 1 dwellinghouse and 12 self-contained flats. Provision of amenity space and refuse storage. Formation of vehicular access onto Golders Green Road.

Decision: Finally Disposed Of

Decision Date: 24 January 2005

Reference: C00513W/04

Address: Site Of 290 To 292, Golders Green Road, London, NW11 9PY

Description: Erection of three to five-storey building (plus basement) to provide a synagogue and off-street parking at basement level, Class A1/A2 commercial floorspace at ground level and a total of 14no. self-contained flats on the upper floors. Provision of associated amenity space, and vehicular access from Princes Park Avenue.

Decision: Withdrawn

Decision Date: 5 August 2004

Reference: C00513V/04

Address: Site Of 290 To 292, Golders Green Road, London, NW11 9PY

Description: 6no. internally illuminated hoardings.

Decision: Refused

Decision Date: 2 April 2004

Reference: C00513T/01

Address: Harvester Restaurants, The Prince Albert, 290 - 292 Golders Green Road, London, NW11 9PY

Description: Internally illuminated signs.

Decision: Approved subject to conditions

Decision Date: 15 May 2001

3. Proposal

This application seeks a variation of Condition 1 (Approved Plans) pursuant to planning permission 16/3806/FUL dated 05/09/2016 for 'Erection of a part two, part four, part five, part six storey building with lower ground floor and basements providing 60 residential flats with ancillary spa facility; associated car and cycle parking, landscaping and associated other works with access from Golders Green Road.'

Variations as part of this application include:

- Re-configuring of the internal layout of basement one and basement mezzanine level;
- Removal of basement 2 level;

- Removing an area from the south-east end of the building at basement and basement mezzanine level;
- Removal of spa to enlarge 4no. approved flats at lower ground floor level;
- Reduction in the width of the front foyer area to increase the size of 4no. approved flats (8, 9, 10 & 11) at ground floor level;
- Introduction of lightwells along part of the southern boundary and the entirety of the eastern boundary;
- Landscaping along eastern boundary.

4. Public Consultation

This application was deferred by the Finchley and Golders Green Area Planning Committee on 12th March 2019, as members wanted further analysis to be conducted to better understand the schemes viability and proposed affordable housing contribution. Their concern centred around the fact that the scheme was proposing a smaller affordable housing contribution than previously agreed as part of the original permission (ref: 16/3806/FUL), yet the application proposed the removal of a basement level of parking and a lower ground floor spa. As outlined in the affordable housing section below, the applicant has reviewed their affordable housing offer, and proposed to match the commuted financial sum of £640,000 and all other terms and conditions of the previous legal agreement which formed part of the original permission. The revised offer represents an increase of £211,600 from the £428,400 that was considered by members during the highlighted March committee meeting, in addition to the opportunity to share in any uplift following a late stage viability review capped at £500,000. Aside from the highlighted change to the affordable housing contribution, no other changes have been made to this application.

Consultation letters were sent to 434 neighbouring properties. 4 responses were received comprising 4 letters of objection. These can be summarised as follows:

- The development is too big, and density too high.
- Not enough parking allocated.
- Revised scheme increases the detrimental impact of the previously approved scheme on residents of Princes Park Avenue.
- Loss of light and overshadowing.
- Overlooking / loss of privacy.
- Overdevelopment of a small and awkward shaped plot of land.
- Raises highway safety and increased traffic generation concerns.
- Increased noise and disturbance.
- Loss of trees and detrimental effect on the conservation area.

The application was also subject to consultation with the following:

Highways:

The proposed alterations to the layout of the building have not altered the car parking ratio associated with the previously approved application. The alterations keep the same number of flats as the approved scheme therefore there is no increase in trip generation, service/ refuse vehicle movements, or parking ratios.

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. 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) (2018) 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 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, CS3, CS4, CS5, CS9, CS10, C15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM10, DM16, DM17.

Supplementary Planning Documents

- Residential Design Guidance SPD (adopted 2016)
- Sustainable Design and Construction SPD (adopted 2016)
- Affordable Housing SPD (adopted 2007)
- Delivering Skills, Employment, Enterprise and Training from Development through section 106 (adopted 2014)
- Planning Obligations SPD (adopted 2017)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of development is acceptable;
- Affordable Housing;
- Whether the alterations detract from the character and appearance of the application site, street scene and wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether adequate living standards will be provided for future occupiers;
- Whether the proposed development is acceptable on highways grounds;
- Whether the proposed development provides adequate refuse storage provision;
- Whether the proposed development would have an acceptable impact on site trees
- Section 106 issues.

5.3 Assessment of proposals

Whether the principle of development is acceptable

This application seeks to vary an extant planning permission (ref: 16/3806/FUL) for a part six storey building containing sixty self-contained flats. Therefore, as the previously approved permission is still extant, there is no in-principle objection to a residential development on site.

In terms of the applications materiality, it is the responsibility of each local planning authority to determine the definition of 'minor material' as there is no statutory definition. A judgment on 'materiality' in any particular case is one of fact and degree, along with taking into account the likely impact of the amendment on the local environment. Materiality is considered against the development as a whole not just part of it. The basis for forming a judgement on materiality is always the original planning permission. Section 96A of the Town and Country Planning Act 1990 states that 'in deciding whether a change is material, a Local Planning Authority must have regard to the effect of the change, together with previous changes made under this section, on the planning permission as originally granted. In this instance, it is considered that the proposed alterations do constitute a material change and therefore a section 73 application is deemed the appropriate assessment mechanism.

Affordable Housing

As part of this application the applicants provided a revised viability assessment. This viability assessment was then independently assessed to verify the veracity of the financial assumptions made within the applicant's revised viability assessment. Following a year of lengthy discussion, document revision and analysis, the final recommendations of the independent assessor concluded that the scheme, based upon the developer profit margin applied, had a viability range from a deficit of £237,000 to a surplus of £830,000. Given the range outlined, the independent viability assessment recommended a compromise in the form of a commuted sum payment of £600,000. Based upon the recommendations contained within the independent viability assessment and the highlighted concerns of members, the applicant has agreed to provide a commuted sum payment of £640,000. This matches the commuted sum payment agreed as part of the original planning permission (ref: 16/3806/FUL). In addition to this, the applicant has agreed to all the other terms and conditions of the previous legal agreement, namely a late stage review mechanism and 50% of any uplift capped at £500,000. This will be secured via a S106 obligation.

Whether the alterations detract from the character and appearance of the application site, street scene and wider locality

This application does not propose to alter the scale, form or siting of the previously approved scheme. Indeed, no further scale or additional units are proposed. The proposed alterations primarily centre around a rationalisation of the basement level parking arrangements, including the removal of basement level two, the removal of the spa at lower ground floor level to accommodate larger units (enlargement of existing four units - no additional units) and some minor internal alterations and introduction of light wells along part of the southern and entirety of the eastern site boundary. The proposed development also proposes to enhance the visual appearance of the application site along Princes Park Avenue via a scheme of soft landscaping. Indeed, while public comments received have raised objection to the design, scale and siting of the proposed scheme and its consequential impact on the neighbouring residential amenity, these objections are deemed to relate more to the previously approved scheme than the proposed. The proposed alterations are considered to have a limited visual impact on the character and appearance of the site and the streetscene of both Golders Green Road and Princes Park Avenue.

An assessment of the proposed changes is as follows:

Rationalisation of basement level parking, including removal of basement level two:

These changes are solely subterranean and therefore have no visual impact on the application site or streetscene of both Golders Green Road and Princes Park Avenue. Therefore, from a character and appearance perspective, these alterations are deemed acceptable.

Inclusion of lightwells along eastern site boundary to support lower ground floor units:

The principle of lightwells at the application site was established as part of the previously approved extant scheme, with lightwells serving the lower ground floor units located along Golders Green Road, adjacent to Roman House and to the rear of the site. This application proposes to introduce lightwells along part of the site's southern boundary and the entirety of the eastern. Analysis has been included within this submission to demonstrate that the siting of the lightwells would not result in a harmful level of overlooking, with soft landscaping between the public pavement and lightwells included to soften the visual impact of the lightwells. Lightwells were not previously proposed for this part of the site given a spa was located at lower ground floor level to the south / east of the site. However, with the spa to be removed and the four previously approved flats at the lower ground floor level being expanded to fill the space, there is now a need to introduce new lightwells. As the principle of lightwells has already been established on site and given mitigation measures have been included within the design to soften their visual impact on the appearance of the streetscene of both Golders Green Road and Princes Park Avenue, it is considered that they are acceptable on character grounds.

Internal alterations including increased unit sizes at lower ground floor level:

These changes are solely internal and therefore have no visual impact on the application site or streetscene of both Golders Green and Princes Park Avenue. Therefore, from a character and appearance perspective, they are deemed acceptable.

In summary, the changes proposed would have a limited and ultimately acceptable impact on the character and appearance of the application site and streetscene of both Golders Green Road and Princes Park Avenue. No additional scale, bulk or massing is proposed and no additional units have been introduced. Indeed, the main external changes concern the introduction of lightwells to part of the site along the southern boundary and along the full length of the eastern boundary. These are considered acceptable given the principle of lightwells at the application site has already been established and appropriate visual mitigation has been introduced via a scheme of soft landscaping. All other alterations are internal or subterranean. Therefore, it is considered that the proposed alterations to the previously approved extant planning permission are acceptable on character and appearance grounds and Policy DM01.

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

As outlined above, the only external alteration to the previously approved extant planning permission is the inclusion of lightwells to part of the site's southern boundary and along the entirety of the eastern boundary. It is not considered that the introduction of these lightwells would cause harm to the residential amenity of neighbouring occupiers by way of overlooking, overshadowing or loss of daylight / sunlight. No additional building scale, bulk or massing over and above the previously approved scheme is proposed. Therefore, based on the above, it is not considered that the proposed alterations would have a harmful impact on the residential amenity of neighbouring occupiers.

Whether adequate living standards will be provided for future occupiers

Floor Area:

The London Plan (2016) and Section 2.1 of the Sustainable Design SPD (Oct 2016) set out the minimum internal space requirements for residential units. A bedroom measuring 11.5m² and above is calculated as a double, and a bedroom measuring 7.5m² to 11.4m² is calculated as a single. This application proposes a reduction in the size of the ground floor foyer and therefore, consequently, there are small increases in the size of adjacent units. These increases do not result in the introduction of additional bedrooms or units. All revised unit sizes would comply with the minimum space standards outlined above.

The previously approved extant permission had four residential units at lower ground floor level adjacent to the spa. The proposed internal alterations propose to remove the spa and increase the size of each of the four units to cover the entire lower ground floor area adjacent to Golders Green Road and Princes Park Avenue. Each of the resulting units represent very large four bedroom units which exceed the minimum internal space standards as outlined above.

Floor-to-ceiling:

No changes are proposed to the previously approved floor-to-ceiling heights.

Light/outlook:

It is considered that all proposed units would receive an adequate level of daylight / sunlight and outlook. The proposed lightwells are south-facing and therefore all of the newly created windows serving habitable rooms along part of the site's southern boundary and along the entirety of the eastern boundary, are considered to receive sufficient daylight / sunlight and outlook. Again, the previously approved extant permission

established the principle of lightwells at the application site for the purposes of providing daylight / sunlight and outlook to the ground floor units.

Amenity Space:

Each of the proposed units at lower ground and ground floor levels are provided with private external amenity space. External amenity space within the previously approved scheme was assessed on the cumulative amount of amenity space versus number of habitable rooms provided. Based on this approach, it is considered that the proposed scheme would provide an acceptable level of onsite external amenity space.

In summary, it is considered that the proposed alterations to the previously approved extant permission would not compromise the schemes amenity provision for future occupiers. Furthermore, given the principle of lightwells serving habitable rooms at lower ground floor level was established as part of the previously approved extant permission, it is considered that the new lightwells would provide an acceptable method and provision of daylight / sunlight and outlook for future occupiers living at the lower ground floor level.

Whether the proposed development is acceptable on highways grounds

This application seeks to rationalise the previously approved basement parking arrangement, by removing basement level two, and re-arranging the car parking spaces and cycle storage over basement level one and the mezzanine basement level. No alterations are proposed to the access ramp and the changes do not result in a reduction in the number of car parking spaces and cycle storage units. The Council's Highways Department has reviewed this application and deemed it acceptable on highways grounds. As per the original permission (ref: 16/3806/FUL), a Residential Travel Plan will be secured via a S106 Agreement.

Whether the proposed development provides adequate refuse storage provision

No alterations are proposed to the site's refuse collection provision from the previously approved scheme. A condition requiring details of the proposed refuse storage and collection strategy will be attached to any permission.

Whether the proposed development would have an acceptable impact on site trees

The loss of site trees was assessed as part of the previously approved extant permission and considered acceptable subject to replacement landscaping. The proposed alterations would not compromise the provision of new site landscaping, but would enhance it, particularly along the site's eastern boundary fronting onto Princes Park Avenue. A landscaping condition will be attached to any permission to ensure replacement landscaping is fully implemented to the satisfaction of the Council.

Section 106 Issues

The development would be required to make contributions to Barnet Community Infrastructure Levy and Mayoral Community Infrastructure Levy.

The Council has Adopted a Supplementary Planning Document on Skills, Employment, Enterprise and Training. This would normally require that such a scheme would enter into a Local Employment Agreement as well as providing apprenticeships. In relation to the original application 16/ 3806/FUL, given the limited surplus generated by the development, it was not considered that it would be reasonable to require such measures, taking into

account the proposed affordable housing and CiL contributions. There have been no changes since the date of that permission that would suggest a different approach is needed on this issue.

Response to Public Consultation

All public comments have been received and where appropriate, have been considered in the report above. The following provides clarification:

- The development is too big, and density too high:

The proposed alterations do not change the scale or fundamentally alter the density of the previously approved extant scheme.

- Not enough parking allocated.

The proposed alterations do not change or reduce the number of onsite parking spaces provided as part of the previously approved extant scheme. No additional units are proposed.

- Revised scheme increases the detrimental impact of the previously approved scheme on residents of Princes Park Avenue:

See amenity section above.

- Loss of light and overshadowing:

The proposed alterations do not change the scale or siting of the previously approved extant scheme and therefore do not impact the light received by neighbouring occupiers.

- Overlooking / loss of privacy:

The proposed alterations do not introduce any new windows overlooking neighbouring properties.

- Overdevelopment of a small and awkward shaped plot of land:

The proposed alterations do not change the site's scale or number of units over and above the previously approved extant scheme.

- Raises highway safety and increased traffic generation concerns:

The proposed alterations do not change or reduce the number of onsite parking spaces provided as part of the previously approved extant scheme. The Council's Highways Department are satisfied that the scheme is acceptable on highways grounds.

- Increased noise and disturbance:

The scheme reduces the amount of development on site by omitting the second basement level. This is expected to reduce construction time and the associated noise and disturbance at that stage of development. The scheme does not propose an increase in the number of units over and above the previously approved extant permission.

- Loss of trees and detrimental effect on the conservation area:

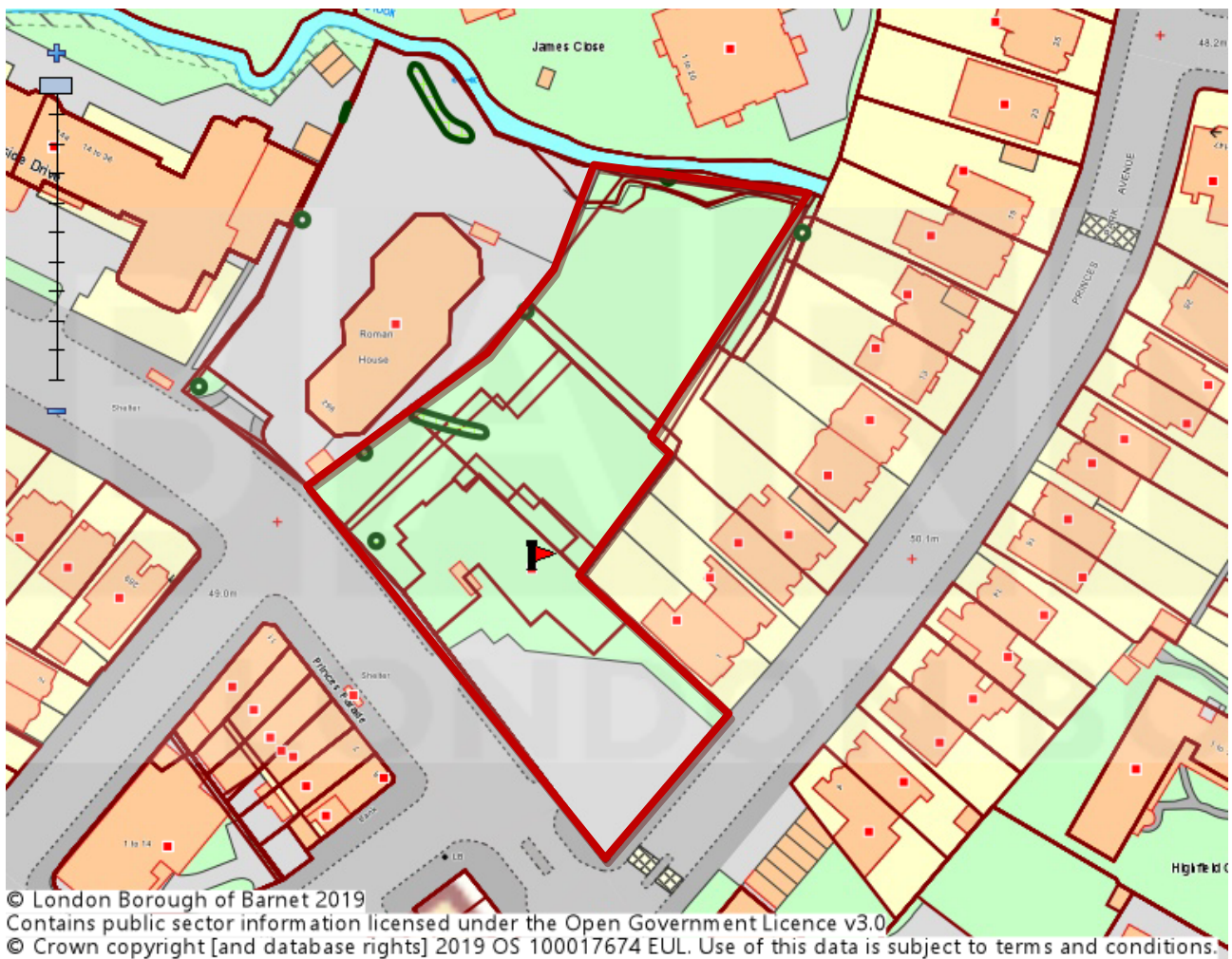
The application site is not located within a conservation area. The impact of the scheme on site trees has been addressed in the tree section above.

6. Equality and Diversity Issues


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

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed alterations would not cause harm to the character and appearance of the application site, the streetscene of both Golders Green Road and Princes Park Avenue, or the wider locality. Furthermore, it is considered that the impact on neighbouring residential amenity is acceptable, while the proposed development would provide an acceptable level of amenity for future occupiers. The proposed development is also considered acceptable on highways grounds. This application is therefore recommended for approval.



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	AGENDA ITEM 13
	<h2>FGG Area Planning Committee</h2> <h3>15 March 2019</h3>
Title	Deferral from the Finchley and Golders Green Area Planning Committee: 213 – 215 Golders Green Road, London, NW11 9BY
Report of	Service Director Planning and Building Control
Wards	Golders Green
Status	Public
Enclosures	Appendix A – Report considered by Finchley and Golders Green Area Planning Committee – 213–215 Golders Green Road, London, NW11 9BY
Officer Contact Details	Josh McLean, Principal Planning Officer josh.mclean@barnet.gov.uk 020 8359 6039

Summary

At a previous meeting of the Finchley and Golders Green Area Planning Committee on 8 January 2019, the Area Planning Committee voted to overturn Officer’s recommendation and approve the application subject to conditions.

The FGG Area Planning Committee is therefore requested to consider the proposed conditions and informatives. The conditions listed within the report below have been shared with the applicant.

Recommendations

- 1. That the Planning Committee consider and approve the application subject to the conditions specified in this report.**

1. WHY THIS REPORT IS NEEDED

- 1.1 As the Area Planning Committee voted to overturn Officer's recommendation and approve the application, this report contains a list of the conditions and informatives that Officers consider relevant to the application.
- 1.2 The attached report was considered by the Finchley and Golders Green Area Planning Committee on 8 January 2019.

2. REASONS FOR RECOMMENDATIONS

- 2.1 As set out above, the application was initially recommended for refusal by Officers. However, at the meeting, the committee voted to overturn Officer's recommendation and approve the application subject to conditions.
- 2.2 Officer's consider that appropriate conditions are:

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

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 B (Proposed - Location Plans)
GGNRD - P401 B (Proposed - Ground Floor)
GGNRD - P402 B (Proposed - First Floor)
GGNRD - P403 B (Proposed - Second Floor)
GGNRD - P404 B (Proposed - Loft Plan)
GGNRD - P405 B (Proposed - Roof Plan)
GGNRD - E401 B (Proposed - Front and Rear Elevations)
GGNRD - E402 B (Proposed - Side Elevation 1)
GGNRD - E403 A (Proposed - Side Elevation 2)
GGNRD - E404 B (Proposed - Front Street Elevation)
GGNRD - S401 B (Proposed - Section AA')
GGNRD - S402 (Proposed - Section BB')

GGNRD - D401 (Proposed - Cycle Storage)

GGNRD - RO401 (Proposed - Rear Outbuilding)

Planning, Design and Access Statement

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

- 2 The development shall be implemented in accordance with the materials stated on the application form and approved drawings. The materials to be used in the external surface of the new outbuilding shall match those used in the front building.

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.

3. a) Within 12 months of the date of the decision notice, a 'Construction Management and Logistics Plan' relating to the approved outbuilding and basement, shall be submitted to and approved in writing by the Local Planning Authority. The 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 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.
- 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).

4. a) Within 12 months of the date of this decision notice, an Activities Management Plan (AMP) shall be submitted to and approved in writing by the Local Planning Authority. The AMP should include, but not be limited to details of all events held throughout the year, hours of use and capacity and include details of any mitigation measures to be implemented during proposed activities in order to ensure there are no adverse noise impacts on neighbouring properties.

b) The activities on the site shall be carried out in strict accordance with the approved AMP

Reason: In the interests of the amenity of occupiers of neighbouring residential properties.

- 5 a) Within 12 months of the date of this decision notice, details of the insulation installed on the existing building to show how the development has been constructed/adapted so to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration shall be submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the D1 (Synagogue); 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.

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 2016, and 7.15 of the London Plan 2016

6. a) Within 12 months of the decision notice, details/specification of all extraction and ventilation equipment that has been installed as part of the development, including any technical reports shall be submitted to and approved in writing by the Local Planning Authority.

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).

7. a) Within 12 months of the date of the decision notice, details of the soft landscaping to the front forecourt area, including details of 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 occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any 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. a) Within 12 months of the date of this decision notice, details of the means of enclosure, including boundary treatments, 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 as part of this condition 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 Within 12 months of the date of this decision notice, the development shall be implemented in full accordance with the refuse details as detailed on drawing no. GGNRD - P401 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).

10 Within 12 months of the date of this decision notice, the parking spaces within the front forecourt shown on Drawing No. GGNRD - P402 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.

11. a) Within 12 months of the date of this decision notice, the cycle parking spaces within the front forecourt as shown on Drawing GGNRD - D401 shall be provided and marked out within the site.

b) The parking spaces shall be used only in accordance with the scheme approved as part of this condition and not be used for any purpose other than the parking of cycles in connection with the approved development.

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

12. The premises shall be used for D1 (Synagogue) and for no other purpose (including any other purpose in Class D1 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.

13. The level of noise emitted from the installed 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 2016.

14. Within 12 months of the date of the decision notice, the rear existing outbuilding shall be fully demolished.

Reason: To safeguard the character and visual amenities of the site and wider area.

15. Within 15 months of the date of this decision notice, alterations to the upper level residential units to reduce the number of units to 7no. units shall be fully carried out in accordance with the approved plans.

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

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

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

Please visit

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

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

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

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

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

- 4 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.

- 5 The submitted Construction Method Statement and Logistics Plan 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 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;
- Detailed vibration monitoring during any demolition or piling with a full methodology submitted to the LA for approval prior to any works commencing in accordance with condition 4.

2.3 The attached conditions and informatives have been shared with the applicant.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 As set out in the substantive report.

4. POST DECISION IMPLEMENTATION

4.1 As set out in the substantive report.

5. IMPLICATIONS OF DECISION

5.1 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2 As set out in the substantive report.

5.3 Legal and Constitutional References

5.3.1 The Council's constitution, permits a Chairman of an Area Planning Committee, to refer an application to the main Planning Committee, provided that it is referred before the vote is taken. The Chairman must give reasons for referring the application.

5.4 Risk Management

5.5 As set out in the substantive report.

5.6 Equalities and Diversity

5.7 As set out in the substantive report.

5.8 Consultation and Engagement

5.9 As set out in the substantive report.

6. BACKGROUND PAPERS

6.1 None.

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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 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).

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 B (Proposed - Location Plans)
GGNRD - P401 B (Proposed - Ground Floor)
GGNRD - P402 B (Proposed - First Floor)
GGNRD - P403 B (Proposed - Second Floor)
GGNRD - P404 B (Proposed - Loft Plan)
GGNRD - P405 B (Proposed - Roof Plan)
GGNRD - E401 B (Proposed - Front and Rear Elevations)
GGNRD - E402 B (Proposed - Side Elevation 1)
GGNRD - E403 A (Proposed - Side Elevation 2)
GGNRD - E404 B (Proposed - Front Street Elevation)
GGNRD - S401 B (Proposed - Section AA')
GGNRD - S402 (Proposed - Section BB')
GGNRD - D401 (Proposed - Cycle Storage)

GGNRD - RO401 (Proposed - Rear Outbuilding)

Planning, Design and Access Statement

- 2 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.

Relief or Exemption from CIL

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

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

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

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or 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.

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

- 3 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

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

Officer's Assessment

1. Site Description

The application site is located on the 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 Mikveh 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 3no 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.

The application has been amended to include the following changes:

- Internal alterations to ensure proposed residential units comply with the minimum space standards;
- Alterations to front courtyard, including reduction in parking provision, provision of cycle parking spaces and alterations to the proposed refuse/recycling waste stores.

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."

The application was referred to the Finchley and Golders Green Area Planning Committee on 15th October 2018 where it was deferred to allow further amendments to be discussed with Officers.

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 Mikveh
- 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. 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. Referring to the previous lawful consent (ref: F/02675/10), the synagogue floorspace measured approximately 130sqm over ground and first floor levels. Within this application, the floorspace is increased to approximately 200sqm and is only located at ground floor level. The net increase is therefore 70sqm. The applicant has submitted an indicative activities plan illustrating the normal activities/events that occur during the week and the number of people attending each activity. There are activities proposed on each day at various times but between the hours of 07:15 and 22:00. The attendance varies between 20 to 100 people at any one time on site. The proposed times and capacity does not appear to be unreasonable and is generally proportionate in terms of other synagogue uses. However, there are certain times of the year where activities may occur earlier or later than the stipulated times. These would not be frequent events but celebratory and only take place in certain parts of the year. In order to control the level of use on site and to limit any adverse impacts, the applicant would be expected to submit a full and detailed Activities Management Plan which sets out all of the activities/ events that take place throughout the year. A number of appropriate conditions could also be attached to limit hours of use and maximum capacity within the synagogue.

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 to the original building 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 for use as a Mikveh 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 this element 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.

It is also proposed to introduce new landscaping at the front of the site and between the rear elevation of the synagogue and the proposed outbuilding.

Impact on the residential amenity of neighbouring occupiers

The synagogue floorspace would be increased by 70sqm which on balance is not considered to be highly significant and all of the main activities would take place inside the building. The applicant has submitted an indicative activities plan for the week which illustrates that events and members attending occurs at several times throughout the day. In order to mitigate/ limit any harmful impacts, relevant conditions could be attached to limit, hours of use, noise etc.

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 (EH) officers have raised concerns regarding the potential noise / disturbance when the building is in use with previous complaints being received. However, EH officers 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. In the space remaining at the rear of the site, it is proposed to introduce new landscaping which would cover approximately half of the outdoor space, meaning that this space is restricted from accommodating a large number of people with the associated noise which would adversely harm the neighbouring occupiers. The proposed landscaping could be secured through a landscaping condition.

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 9 no 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 studio units, 2 x 1B2P unit, 2 x 2B3P units and 1 x 2B4P unit. All of the proposed units would meet or exceed the minimum internal space standards.

The proposal does not provide any outdoor amenity space. However, the rear of the site has historically been in use with the synagogue with a form of outbuilding present. As part of application F/02675/10, there were four bedsits approved which had no access to outdoor amenity space. On balance, the non-provision of outdoor amenity space is accepted in this instance.

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 4 x 1-bed and 3 x 2-bed. Therefore, it is expected that the proposal should provide between 3 to 8.5 spaces. The proposal provides 3 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 3 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.

The parking arrangement at the front of the site has been amended so that there is a 6m distance from the back of the parking space so that any vehicle can turning safely within the site and exit the site onto Golders Green Road in a forward gear.

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 smaller capacity. Environmental Health has suggested a number of further additional mitigation measures to help limit 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. 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).

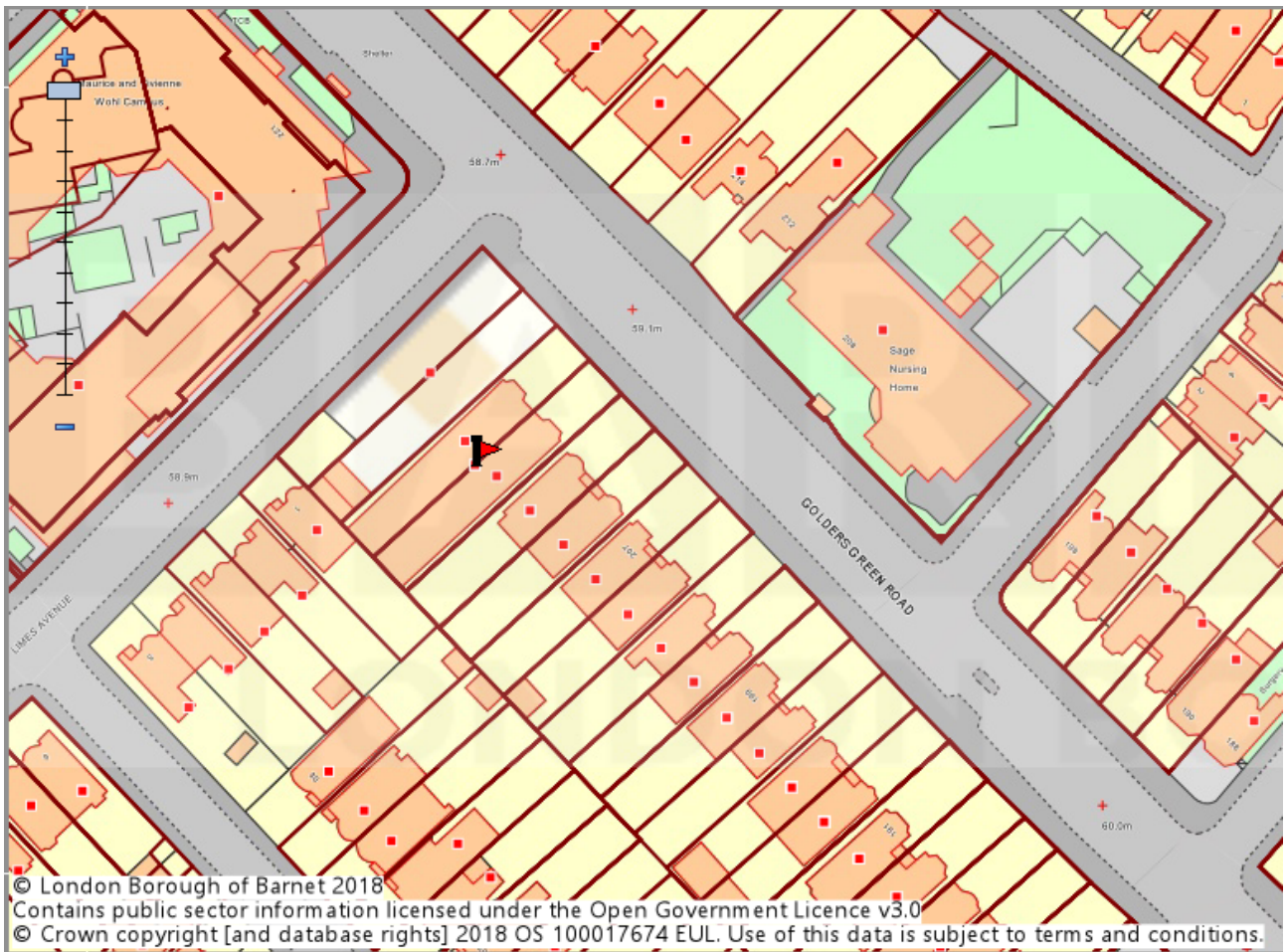
The positive impacts created by the proposed development are not considered to carry sufficient material weight to justify the construction of an unacceptable and harmful building in terms of character and appearance which is contrary to policy.

It ought to be possible to provide the positive impacts that are sought by the applicant and at the same time, constructing 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. This application is therefore recommended for refusal.



	AGENDA ITEM 14 FGG Area Planning Committee 15 April 2019
	<p>Title Deferral from the Finchley and Golders Green Area Planning Committee: Menorah Primary School, 1 – 3 The Drive, NW11 9SP</p> <p>Report of Head of Planning</p> <p>Wards Golders Green</p> <p>Status Public</p> <p>Enclosures Appendix A – Report considered by Finchley and Golders Green Area Planning Committee for application reference 18/0216/S73</p> <p>Officer Contact Details Joe Mari, Planning Officer joe.mari@barnet.gov.uk 0208 359 7666</p>

<h3>Summary</h3>
<p>At the previous meeting of the Finchley and Golders Green Area Planning Committee on 8 January 2019, the Area Planning Committee voted to overturn Officer’s recommendation and approve the application on a temporary basis for one year.</p> <p>The FGG Area Planning Committee is therefore requested to consider the proposed conditions.</p>

<h3>Recommendations</h3>
<p>1. That the Planning Committee consider and approve the application subject to the conditions specified in this report.</p>

1. WHY THIS REPORT IS NEEDED

- 1.1 As the Area Planning Committee voted to overturn Officer's recommendation and approve the application on a temporary basis for one year, this report contains a list of the conditions that Officers consider relevant to the application.
- 1.2 The attached report was considered by the Finchley and Golders Green Area Planning Committee on 8 January 2019.

2. REASONS FOR RECOMMENDATIONS

- 2.1 As set out above, the application was initially recommended for refusal by Officers. However, at the meeting, the committee voted to overturn Officer's recommendation and approve the application on a temporary basis of one year, subject to conditions.
- 2.2 The application is made under section 73 of the Town and Country Planning Act 1990 to vary conditions associated with the original planning permission (application reference C01178/A). As per Planning Practice Guidance, to assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged (or removed).
- 2.3 Officer's consider that appropriate conditions are:

- 1 a) That the use of the premises shall be limited to those activities which are directly associated with the functioning of the school as such, between 08:30 am and 10:30 pm on Mondays to Fridays and 09:30 am and 12:30 pm on Sundays, in addition to two Sunday afternoons per calendar year, as approved under permission reference C01178R, dated 12 June 1995.

b) With the exception of the above, the premises shall be only used for Sabbath events/activities as approved in the Noise Management Plan, the subject of Condition 3 of this permission, between the commencement of the Sabbath until 10.30 p.m. on Fridays and 8:30 am and the end of the Sabbath (i.e. nightfall) or 10.30pm, whichever occurs earlier, on Saturdays.

The Sabbath use shall cease on the one year anniversary of the date of the approval of the Noise Management Plan under Condition 3 of this permission.

Reason: To protect the amenities of adjoining occupiers in accordance with Policy DM01 and DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (updated October 2016) and Policy 7.15 of the London Plan (2015).

- 2 This development (hereby approved under reference 18/0216/S73) must be begun within three years from the date of this permission.

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

- 3 No music or sound amplification shall be permitted on the premises on Fridays after 15:30 pm or Saturdays, Sundays or Bank Holidays at any time.

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 (updated October 2016) and Policy 7.15 of the London Plan (2015).

- 3 Before the Sabbath use hereby permitted first commences, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

The Noise Management Plan, to minimise disturbance to local residents resulting from the hereby permitted Sabbath use on Fridays and Saturdays, shall include details of the following:

- i. Hours of use;
- ii. The type and nature of events/activities and maximum attendance numbers;
- iii. The management of deliveries and collections to and from the building (including waste), including hours of deliveries, routes, parking provision and number of delivery vehicles;
- iv. The control and use of outside areas and measures to minimise noise and disturbance from guests arriving and leaving;
- v. The control of noise break out from within the building, including any upgrades to the building and measures to minimise the opening of windows and doors;
- vi. Access and egress to and from the buildings by users including arrangements for taxi and coach/mini-bus parking;
- vii. The name(s) and contact details of an on-site supervisor responsible for the behaviour of users and for liaison with local residents;
- viii. Procedure for recording of complaints and response to those complaints;
- ix. Any other matters that are reasonably required by the local planning authority.

The approved Noise Management Plan shall be followed and/or implemented at all times the building is in use for Sabbath events on

Fridays and Saturdays. The complaints log shall be made available to the local authority on request.

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 (updated October 2016) and Policy 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.
- 2 It is noted that attendance numbers at the school may have increased. If this is the case, consent from the local planning authority would be required.
- 3 In the interest of clarity, the 'Sabbath use' is defined as those activities/events as set out in the documents submitted in support of planning application reference 18/0216/S73.
- 4 In the interest of clarity, the commencement of the Sabbath is taken to be those defined as 'Light Candles' as set out in the applicants accompanying time schedule.

3. RECEIVED COMMENTS

- 3.1 On the 04 February 2019 a resident raised objection to the times stated in the accompanying document and that they did not represent sunset. The agent stated that the schedule showed 'Plag Haminchah' times. Religious code enables Sabbath to start after this time, but not before it.
- 3.2 Officer's have received a letter from the Rabbi of the synagogue which runs the school. The Rabbi's letter (dated 11 March 2019) provides a table setting out the earliest start times and finish times for Sabbath throughout the year, including adjustments to show British Summer Time and supporting definitions/explanatory notes. On this basis the times are considered acceptable.

4. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

4.1 As set out in the substantive report.

5. POST DECISION IMPLEMENTATION

5.1 As set out in the substantive report.

6. IMPLICATIONS OF DECISION

6.1 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

6.2 As set out in the substantive report.

6.3 Legal and Constitutional References

6.3.1 N/A

6.4 Risk Management

6.5 As set out in the substantive report.

6.6 Equalities and Diversity

6.7 As set out in the substantive report.

6.8 Consultation and Engagement

6.9 As set out in the substantive report.

7. BACKGROUND PAPERS

7.1 None.

Appendix A – Committee Report

Location **Menorah Primary School 1 - 3 The Drive London NW11 9SP**

Reference: **18/0216/S73** Received: 11th January 2018

Accepted: 11th January 2018

Ward: Golders Green Expiry 8th March 2018

Applicant: Menorah Primary School

Proposal: Variation of condition 3 (limited activities) and condition 4 (day/time restriction) pursuant to planning permission C01178A dated 7/12/1967 for "re-erection of the existing Menorah Primary School on extended site". Variation to allow religious and social events on Jewish Sabbath days from the commencement of the Sabbath on Friday afternoon until 10.30 p.m. on Friday, and from 8.30am until the end of the Jewish Sabbath (i.e. nightfall) or 10.30pm, whichever occurs earlier, on Saturday. [ADDITION OF NOISE IMPACT ASSESSMENT AND AMENDED DESCRIPTION]

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 variation to conditions 3 and 4 of planning permission reference C01178A would, by reason of the increased comings and goings and intensification of use, result in an increase in noise and disturbance, to the detriment of the residential amenities of occupiers of the neighbouring properties.

The application is therefore found unacceptable and contrary to Policy DM04 of Barnet's Development Management Policies Document DPD (2012), London Plan Policy 7.15 and the guidance set out in Barnet's Sustainable Design and Construction SPD (2016).

Informative(s):

- 1 The plans and documents accompanying this application are:

Planning Statement by E.M. Pick Planning
Document entitled 'Proposed Noise Management Plan'
Noise Impact Assessment Report reference 13879-NIA-01-RevA by clements acoustics dated 02 August 2018
Shaded Plan showing areas proposed for use
Copy of Shabbat times
Site Location Plan
Email from E M Pick Planning dated 29 October 2018
Email from Kenny Macleod of clement acoustics dated 30 October 2018
Block plan
Application form

Officer's Assessment

This application is recommended for refusal.

Whilst assessing this application, the local planning authority offered the applicant the opportunity to explore the option for a temporary planning permission.

This would allow the local authority to assess the effect of the development on the area on a trial basis. The applicant however has rejected an option of a temporary permission, and wished for the application to be assessed based on what was sought.

On the 09 February 2018 Councillor Thompstone called the application into committee if Planning Officers were recommending refusal. The planning reason for the referral was: "The potential impact of this further use on the parking within the area means the parking and traffic consideration bears greater scrutiny."

The application was deferred from November 2018 committee as it was considered by members that the description was incorrect. The description has been amended (with the agreement of the agent) and neighbours have been re-consulted.

The Environmental Health Officer has commented: "I have read the updated information as proposed. There are no changes to our advice on this matter." Their objections in the main report therefore remain.

1. Site Description

The application site is currently occupied by Menorah Primary School, a primary school located in the ward of Golders Green.

The site is not located within a designated conservation area and there are no statutory or locally listed buildings on site. There are no Tree Preservation Orders on the site.

The school building is located on the junction of The Drive and Woodstock Avenue. The playground is located on the junction of The Drive and Montpelier Rise.

The main entrance to the school building is on The Drive (to the east). There are also entrances to the playground along the eastern boundary on The Drive.

The school building directly abuts residential properties to the west (on Woodstock Avenue and Montpelier Rise).

The site abuts the public highway on the northern, eastern and southern boundaries. Opposite are residential properties on Woodstock Avenue and The Drive.

Some off-street parking is provided, which is accessed from The Drive. Although parking spaces are not demarcated, at the time of the Planning Officer's site visit, three cars were parked.

The boundaries are formed by a mixture of close boarded timber fencing and/or wire fencing.

2. Site History

In summary, the school was granted planning permission under planning application reference C01178A, dated 07 December 1967.

Under planning application reference C01178L, dated 01 November 1978, the school was granted consent for the 'Continued use of premises for Sunday classes between 9.30 a.m. and 12.30 p.m.' There were no temporary restrictions placed on this consent i.e. it is a permanent permission.

Under planning reference C01178R, dated 12 June 1995, the school was granted consent for the 'Use of premises on two Sunday afternoons per calendar year'. This was for school fetes on two Sundays per calendar year. There were no temporary restrictions placed on this consent i.e. it is a permanent permission.

Permissions were granted on a temporary basis for the use of the premises for religious classes on Sunday morning under application reference C01178G (dated 18 December 1974, for a limited period only expiring 25 December 1975) and application reference C01178J (dated 22 September 1976, for a limited period only expiring 29 September 1977).

Planning application reference C01178U, dated 10 December 1997 granted temporary consent to enable activities to take place until 11:00 pm (as opposed to 10:30 pm as the original consent of C01178A stated). The consent expired on 10 June 1999 after which date the original condition took effect (i.e. 10:30 pm). It was limited to ten occasions per term and not at all on any Saturday, Sunday and Bank Holidays. It was restricted to extra-curricular activities only.

Planning application reference C01178AC/03, dated 25 September 2003, refused planning permission for the variation of conditions 3 and 4 of planning permission reference C01178A, dated 07/12/1967, to enable activities to take place until 11:00 pm. This would have allowed extra-curricular activities to take place until 11:00 pm, potentially on any day of the week.

The reason for refusal read:

"The proposed variation would, by reason of increased comings and goings and intensification of usage, result in an increase in noise and disturbance to the detriment of the amenities of neighbouring occupiers and the residential character, contrary to policies T1.1, L5.2 and E6.1 of the Barnet Adopted Unitary Development Plan (Adopted 1991) and D2, L24, L27, CS1, CS5 and Env12 of the Revised Deposit Draft Unitary Development Plan (March 2001)."

3. Proposal

The applicant seeks consent for the variation of condition 3 (Limited activities) and condition 4 (Day/time restriction) pursuant to planning permission reference C01178A dated 7/12/1967 for the "re-erection of the existing Menorah Primary School on extended site".

The variation would allow religious and social events on Jewish Sabbath days from the commencement of the Sabbath on Friday afternoon until 10.30 p.m. on Friday,

and from 8.30am until the end of the Jewish Sabbath (i.e. nightfall) or 10.30pm, whichever occurs earlier, on Saturday.

4. Public Consultation

A site notice was erected 18 January 2018.

Consultation letters were sent to 109 neighbouring properties.

72 responses have been received, comprising 53 letters of objection, 15 letters of support and 3 letters of comment.

The objections received can be summarised as follows:

- The school is in close proximity to residential dwellings. Allowing social events etc at times when local residents should be able to enjoy some peace and quiet would be a gross injustice and cause considerable noise and disturbance. This is why when considered approximately 10 years ago the council reached the same decision, and it remains true today.
- Noise will arise from, amongst other things: people coming and going, a large amount of people singing, clapping etc, children playing in the playground, the fact the hall was built that windows and doors are directly onto the playground and close to windows of No. 2 Montpelier Rise.
- The School is already being used on Sundays on a regular basis, in contradiction of Condition 4, causing noise, traffic, parking problems, and disturbance on the weekend day of Sunday. To add the other weekend day, Saturday, as well would be reprehensible and appalling, showing no consideration for the entitlements of the neighbours who already have to endure many inconveniences and nuisances during the week from the school.
- Not all of the community are of this faith and should also be considered.
- Noise already arises from the use of the School on a Sunday and it's only the children having normal day at school.
- 150 people is a misrepresentation when there is an estimated Jewish population of 20,000 within 15 minutes' walk of the site
- There are plenty of other spacious venues with ample parking where events can be hosted with minimal impact to the neighbours.
- The council has rejected such applications from the school in the past. Nothing has changed.
- Saturday is the one day in the week when the school is quiet, we want to continue enjoying peaceful Saturdays and after school hours.
- The school is clearly in violation of current planning dated 2005 which allows for a maximum of 410 pupils (C01178AD/05) [based on Ofsted Reports]. It may be prudent for the School to relocate rather than further prejudice the neighbourhood. Noise and traffic will increase as school expands.
- The events would be permitted till 10.30pm which is several hours after the Sabbath ends during winter, meaning increased traffic and parking issues when events finish.
- There are several facilities that could accommodate such events so there is no need for the school to be turned into a source of additional noise and disturbance.
- Parking problems, traffic, road rage and aggression is stressful for residents
- London Borough of Barnet did not consult residents

- The proposed use after 5.00pm on Saturdays is: (a) irrelevant for Sabbaths in the winter and (b) unnecessary for Sabbath activities in the summer - functions at this times would be rare. The intention appears to be to use the premises on Saturday evenings in the winter. I object to this on the grounds of the huge pressure on parking that this would imply, and because of the noise that would no doubt be generated from the hall and associated with large number of people coming to and leaving the hall. This is a residential area not designed for this sort of activity. Usage up to 5.00pm would not give me a problem
- Usage up to 5.00 pm acceptable
- The benefit of allowing this application would not outweigh the detrimental impact on residents living nearby
- The nature of Orthodox Jewish events is for people to pop in for a few minutes, throughout an event. Thus, there would be in and out traffic causing sustained noise the whole evening. Saturday evenings in the winter functions will be able to include Music. The beginning of the road is considered the best parking place for attendees at the school this result in increased noise from hooting and shouting loudly from their cars, as happens on parent's evenings etc.
- There are orthodox Jewish halls with the same capacity in the area
- Have previously put in support for this however need to add that the permission should run till 6pm only
- Concern it could be extended further if permitted
- The time extension until 10:30 pm will provide a period of time after the sabbath to hold more events which would create noise and traffic
- Numbers of attendees unrealistic
- Unlikely that those third party users who will rent the hall for events will adhere to conditions/restrictions.
- Nothing is stopping people from coming before the Sabbath and parking their cars and leaving them there until after the Sabbath which will leave local residents without parking which is already compromised by the school.
- We have already experienced when planning was violated and the school was used on the Sabbath day and we could not sleep all afternoon from noise coming out of the hall (singing, banging etc.) This was under controlled conditions being used by the school, not by third party
- Disagreements with the finding of the noise assessment - does not include the gathering of people outside and questioning of the timings of the recordings undertaken, noise measurements should be taken from neighbouring residential properties
- The school is a voluntary aided school receiving grants from the government and council. This is a commercial enterprise.
- Sabbath is the only time when I can actually rest undisturbed.
- There is no promise that Hall is rented to non Sabbath observers therefore loud music and large quantities of people are high probability
- Concerns of pollution and rubbish
- Increased risk of crime
- Devalue property prices
- Those who have submitted comments of support live further away from the School
- Under no circumstances should permission ever be granted (even temporarily) for the use of the playground as a means of entry into the school hall. This would contradict the applicants statement that the windows and doors would be kept closed, as anyone entering the premises would then have no choice but to open the doors to

gain entry. This would be in addition to the area then being open to further use which is unacceptable.

The letters of support received can be summarised as follows:

- The predominant number of those in support stated that it would be a benefit to the local community, many of whom are associated with the school, and that given the times requested are during the Jewish Sabbath period, this would avoid any issues of traffic outside or (loud) music being played, which is disallowed on the Sabbath.
- It's a pleasure to hear children playing outside rather than looking at electronic screens. The information provided intends to keep noise levels to a minimum. We hear loud amplified music from rooms/houses/cars along this street at all times of the day and night which I find very disturbing. Parents/carers together with a security personnel will keep the noise of the children down. The noise assessment provided was taken on school days in the summer when noise levels would have been at their highest.

The representations received can be summarised as follows:

- Most who provided general comment raised concerns with noise and parking
- While there may be a need for more facilities for various social events I do not believe that there is a requirement for them to last that late. I would suggest that the social events be allowed but only till say 13:00 hours.
- The opening until 10:30 pm has been allowed for a long time and does not seem to cause trouble. The agreement to allow extended opening hours must include a rider stating that people should leave quickly and quietly after 10:30 pm to show consideration for local residents
- Please clarify the meaning of "Sabbath days". Does it mean only on Saturdays or also special Jewish days when the school is normally closed?
- Many dinners/receptions go on beyond 10:30pm. I suggest it should be between the hours of 8:30 am - 11:30pm. 11:30 pm would not impact detrimentally on local residents
- The 'Proposed Noise Management Plan' is not part of the actual application.
- No comparable halls are located in residential areas- they are located on main roads or just a few metres away from it on a side road
- While we respect the views of those residents who feel that there is a need for more function Halls, this certainly needs to be balanced against the adverse affect and considerable disturbance this will cause to many neighbouring residents if it is located at the Menorah Primary School which is surrounded on all sides by a very dense residential population.
- We think that the figure of 150 mentioned in the Planning Statement is a significant underestimation with the number of participants likely to be, on many occasions, at least double that figure and more.
- Could only support the application if it is strictly limited to the hours of Sabbath with an additional period at its conclusion of one hour to enable caterers to clear the hall and on the condition that the school do not submit any further planning application to vary the conditions

Since reconsultation, the objections received are as follows:

- Numerous valid objections were made by the last time and nothing has changed in this new application. The properties in the immediate area are subjected to another round of having to inform the Council of our strong objections. These comprise: highways and parking issues; noise; the school is not a place of entertainment or of religious and social events, nor a synagogue or place of worship. No need for such a venue when there are ones in the area.
- Under no circumstances should permission ever be granted (even temporarily) for the use of the playground as a means of entry into the school hall. This would contradict the applicants statement that the windows and doors would be kept closed, as anyone entering the premises would then have no choice but to open the doors to gain entry. This would be in addition to the area then being open to further use which is unacceptable.
- More concerns related to parking and finding parking
- In addition to the previous comments which have not been dealt with, the new proposal is still unenforceable as most neighbours would not use the phone on the Sabbath so they will not be able to complain if the noise is excessive.
- The end time for functions does not help the immediate neighbours as they will still suffer from the noise of catering clear up and building cleaning after the function ends and attendees fraternising in the street after closing. This will create a noise problem 7 days a week for all neighbours as the school is in operation 6 days a week already. It is a school that we moved next to many years ago not a function hall which is now being sought.
- Nothing has changed in application. Please confirm that you have added to the report/recommendations that under no circumstances should permission ever be granted (even temporarily) for the use of the playground as a means of entry into the school hall. This would contradict the applicants statement that the windows and doors would be kept closed, as anyone entering the premises would then have no choice but to open the doors to gain entry. This would be in addition to the area then being open to further use which is unacceptable.

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
- Relevant Development Management Policies: DM01, DM04

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. Policy DM04 states that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.

Supplementary Planning Documents

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 proposed variation constitutes a minor material amendment
- Whether harm would be caused to the living conditions and amenities of neighbouring residents

5.3 Assessment of proposals

The Planning Practice Guidance states that an application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied.

There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

Planning permission was granted under application reference C01178A, dated 07 December 1967, for the rebuilding of the school, subject to conditions.

Condition 3 of this consent stated: "That the use of the premises shall be limited to those activities which are directly associated with the functioning of the school as such."

Condition 4 of this consent stated: "That no activities shall take place on any Saturday, Sunday or Bank Holiday or any other day except between the hours of 08:30 am and 10:30 pm."

The reasons for the conditions were to protect the amenities of adjoining occupiers (condition 3) and to ensure that the amenities of residential locality are not prejudiced by noise at times normally available for recreation or rest (condition 4).

Since the original consent, the school has been permitted to use the premises on Sundays between the hours of 9.30 a.m. and 12.30 p.m. for Sunday classes. It has also been permitted two Sunday afternoons per calendar year to hold fetes.

This application currently under consideration proposes the variation of conditions 3 and 4 of the planning permission reference C01178A, dated 07/12/1967, to allow religious and social events on Jewish Sabbath days from the commencement of the Sabbath on Friday afternoon until 10.30 p.m. on Friday, and from 8.30am until the end of the Jewish Sabbath (i.e. nightfall) or 10.30pm, whichever occurs earlier, on Saturday.

The Sabbath is commonly defined as a day of religious observance and abstinence from work, kept by those of Jewish faith, from Friday evening (sunset) to Saturday evening (sunset).

The agent representing the applicant has clarified that events would finish by the end of Sabbath on Saturdays i.e. in the winter earlier, and the summer later.

The Planning Statement submitted states that the parts of the school proposed for this purpose would be the school hall, the kitchen and the sanitary facilities. This is shown on the shaded plan submitted by the applicant.

It states that the entrance would be through the school playground, leading into the hall.

The Planning Statement states that no music or amplification would be played. The document also states that the use of vehicles on the Sabbath is forbidden, and therefore it is anticipated that visitors would be pedestrians only.

The applicant has also submitted a 'Proposed Noise Management Plan' and 'Noise Impact Assessment' by Clement Acoustics (Report 13879-NIA-01-RevA) dated 02 August 2018.

The documents state that up to 150 people could attend. The accompanying documents state that expected events could include a 'kiddush', which may be followed by a family meal to celebrate a Bar Mitzvah / Bas Mitzvah; a birth, 'Aufruf' (the Sabbath before a wedding) or 'Sheva Brochos' (the Sabbath after a wedding).

An Environmental Health officer has assessed the application and accompanying documents. They have concluded that the application cannot be supported by the local planning authority.

Their comments on the Acoustic Report by Clement Acoustics are as follows:

1. BS4142:2014 is useful as an indicative guide but cannot be used to assess noise levels from "people" in a planning situation. Section 1.3 f of BS 4142 states that, amongst other things, the standard is not intended to be applied to the rating and assessment of sound from people.
2. The report bases the reduction of noise on the distance to one metre to the nearest façade whereas the rear garden of No. 2 Montpelier Rose will be affected continually throughout the day on Saturday from noise impact due to it being very close to the hall. This will directly impact on the neighbouring residents' use of their garden and so have a negative impact on their amenity throughout summer months when they may want to use their garden. As is seen from the background noise readings, the ambient background noise level is quite quiet.
3. There are no scale diagrams of the openable doors/ windows in the side of the hall facing the garden which would give a good indication of the noise outbreak; nor is there any assessment of any barriers between the garden and school hall. If there are openable windows and doors then it would be likely with the large numbers congregating in the room that they would want to fully open the windows and doors during the hot months at the same time as the neighbours wish to open their windows and the noise reduction of 15dBA (from a "partially open" window would not apply); thus increasing the noise impact. It is hard to enforce keeping windows and doors partially open as is assumed within the report. This is not considered within the report.
4. If there is any singing then this would result in higher noise levels and impact. This is not considered.
5. The sounds of people talking, as well as coming and going, in a residential road at 10:30 pm is not considered in the report.
6. The noise monitoring position should be explained - it is closer to the main traffic on road by 20m compared to the garden at the neighbouring residential. The background noise in this corner surrounded by hard acoustic surfaces may be noisier too. I would have advised on placing the meter closer to 2 Montpelier or explained by methodology.

The applicants acoustic consultant has responded accordingly:

- "1. BS4142 is as robust as we can be. Otherwise, we'd be looking at WHO/BS8233, which is less robust

2. We do not deny that some noise of talking may be heard from neighbouring gardens. However, this is an established urban area with no proposed activities taking place during unsocial hours.

We have undertaken a further assessment to the closest residential gardens, which are approximately 10m from the facade of the school hall. This results in an external noise level of 43dB(A), in line with the criteria specified in BS8233 for external amenity areas, even when the school hall windows are assumed to be partially open.

3. The possibility of open windows has been assessed in the report. However, mechanical ventilation already exists and will be used. Opening windows prevents the effective use of air conditioning, so there is no concern, even in hot weather. The calculated levels shown in our assessment are therefore very worst case, and in reality noise breakout levels will be significantly lower.

4. We are advised that there will not be any prayer sessions, so no singing or music will occur.

5. We have pointed out that no cars will be used, owing to religious constraints. We have considered that people may be talking when leaving at 10.30pm, but we have concluded that this would be low impact.

It is noted that entry points to the building are more screened and / or distant from sensitive receptors. Additionally, entry points are on the front facade, which is already busy with vehicular traffic and pedestrians."

The agent confirmed in an email dated 29 October 2018, that:

"The Sabbath starts at sundown on Friday and finishes at nightfall on Saturday. Calendar times have previously been submitted to you. In mid summer, the Sabbath does not finish till 10.30pm. However, in mid winter, the Sabbath finishes with darkness setting in at 5.00pm. What we are proposing is that the proposed use would finish earlier on winter days before the termination of the Sabbath, because it is on the Sabbath that no cars are used."

In response to all of the above the Environmental Health officer has stated that for the British standards and European guidelines: BS4142:2014 and BS:8233:2014 and WHO guidelines on noise, none of these are truly able to represent the noise impact from people.

The additional impact of opening the school to large numbers of people on Saturdays removes the only day for rest and respite for the neighbouring residents. Standards often average out noise impacts over time periods thus removing the impact of single events such as raised voices which are most likely to cause disturbance. This is particularly given the hours of use that have been requested (8:30 am to 10:30pm). Deliveries before and after the event will also have a noise impact. This has not been assessed by the applicant.

To have a trial period with a restricted number of events in one year is more appropriate as this will give the local authority, and neighbouring residents, the opportunity to establish whether the events are, in fact, a nuisance or not.

"Discouraging" children and adults from going outside and preventing windows from being opened, as proposed by the applicant, is unenforceable from a planning perspective. It is also unreasonable to expect this in the warmer months. Furthermore, the doors will have to be open for entrance/exit of users. No evidence has been provided to demonstrate that the mechanical ventilation in the hall would be adequate, especially in the summer months.

Even if events finish at the end of Sabbath on Saturdays as the agent has stated, the summer months where the Sabbath finishes later is the time of year where neighbours are more likely to have their windows and doors open and will be using their gardens. This is where harm from noise would arise most.

In conclusion, the proposed variation would increase noise and disturbance on Friday evenings and Saturdays which would detrimentally harm the living conditions of surrounding residents. It is considered that the proposed variations are of a scale and nature that results in a development which is substantially different from the one which has been approved.

The application is therefore recommended for refusal, in accordance with Policy DM04 of Barnet's Development Management Policies Document (2012); London Plan Policy 7.15 and the guidance set out in Section 2.14 of Barnet's Sustainable Design and Construction SPD (2016) about noise quality.

Policy DM04 states that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses (such as residential) will not normally be permitted.

London Plan Policy 7.15 states that development proposals should seek to manage noise by avoiding significant adverse noise impacts on health and quality of life as a result of new development.

The local planning authority are satisfied that conditions 3 and 4 applied to the original consent in 1967 (reference C01178A) meet the 6 tests for conditions set out in Paragraph 206 the National Planning Policy Framework (2018). They should therefore should remain imposed.

5.4 Response to Public Consultation

The majority of objections related to noise and disturbance, and concerns with impact on the highways and parking.

The objections regarding noise and disturbance have been noted and addressed in the main report.

The objections regarding highways have been carefully considered. The applicant has stated that the school would be used in the hours of sabbath, whereby use of the car is forbidden. This is accepted by the local authority.

The proposal currently under consideration is different from the application previously refused (reference C01178AC/03, dated 25 September 2003). The previous application proposed to allow extra-curricular activities to take place until 11:00 pm, potentially on any day of the week. The current application under consideration

proposes to allow extra-curricular activities to take place on Friday evenings and Saturdays.

If the conditions for the hours of use of the school on a Sunday are not being complied with as residents state, then they are advised to contact the Planning Enforcement department to investigate on 020 8359 3000 or on email: planning.enforcement@barnet.gov.uk

Objectors have queried that there is a period of time in the winter months, between the end of Sabbath and 10:30pm, which could potentially allow the use of cars, as well as music. The agent has clarified in writing that: "The Sabbath starts at sundown on Friday and finishes at nightfall on Saturday. Calendar times have previously been submitted to you. In mid summer, the Sabbath does not finish till 10.30pm. However, in mid winter, the Sabbath finishes with darkness setting in at 5.00pm. What we are proposing is that the proposed use would finish earlier on winter days before the termination of the Sabbath, because it is on the Sabbath that no cars are used." Notwithstanding this, Officers are of the position that the proposal remains unacceptable, as explained in the main report.

If the conditions for the number of students at the school are not being complied with as residents state, then they are advised to contact the Planning Enforcement department to investigate on 020 8359 3000 or on email: planning.enforcement@barnet.gov.uk

Objectors have raised concern that they have not been consulted. Under this particular application, the local planning authority have advertised the application on the website, have erected a site notice and have sent notification letters to those properties which directly abut the site. Statutory publicity requirements have therefore been met.

Objectors have raised concern that the 'Proposed noise management plan' is not part of the application and is not 'legally binding' and thus not enforceable. The 'Proposed noise management plan' does form part of the application and in the event of an approval would have to be complied with.

Objectors have raised concern with the methodology of the submitted noise report. The noise report would have been done to get a base or background reading to establish what the lowest level of noise was in the surrounding; therefore, the quieter the better for the local residents as it would better reflect the quieter days and evenings. The Environmental Health department always ask for the quietest times to be done so as to give a worst case scenario.

Any further applications at the school would be assessed on their own merits.

It is not considered the proposal would increase crime or risk of crime.

Impact on property prices is not a material planning consideration.

It is not considered the increase in pollution would constitute a reason for refusal in this particular instance.

Rubbish and refuse could be adequately addressed through conditions in the event of an approval.

Comments of support:

The comments of support are noted.

General comment:

Those who submitted a general comment (neither objection or support) suggested amendments to the hours of use. The application has been assessed on the hours proposed by the applicant.

The definition of 'Sabbath' has been addressed in the main report.

In the event of an approval, the 'Proposed Noise Management Plan' would be included within the conditions of the consent. The implications of this is, if the hours of use were not abided by, it would be a planning enforcement matter.

The local authority could not prevent or stop the applicant from submitting any further planning applications.

Residents have queried the number of people in attendance at these events. The application has been based on the information provided by the applicant.

6. Equality and Diversity Issues- Equalities Act 2010 and other material considerations

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies is set out in Section 149 of the Act. The duty requires the Council to pay regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

Equality duties require Authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different equality groups. It is an opportunity to ensure better decisions are made based on robust evidence.

Section 149 of the Act states that:

- (1) A public authority must, in the exercise of its functions, have due 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.

(2) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-

(a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different to the needs of persons who do not share it;

(c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(3) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular steps to take account of disabled persons' disabilities.

(4) Having due regard to the need to foster good relations between persons who share relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-

(a) Tackle prejudice, and

(b) Promote understanding

(5) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(6) The relevant protected characteristics are-

· Age;

· Disability

· Gender reassignment

· Pregnancy and maternity

· Race

· Religion or belief

Sex

· Sexual orientation

In determining this planning application the Local Planning Authority must have due regard to the equalities impacts of the proposed development on those persons protected under the Equality Act 2010. This Act requires the Local Planning Authority to demonstrate that any decision it makes is reached in a fair, transparent or accountable way considering the needs and rights of different members of the community.

The proposal, if approved, would provide a place to hold social and religious events for those under a protected characteristic. This is the potential equality impact of the proposal.

Any equalities impacts have also to be analysed in the context of the overall planning merits of the scheme and the benefits it will confer on those of a protected characteristic.

No justification or evidence has been provided by the applicant of why the needs of persons who share a relevant protected characteristic cannot be met at an alternative site.

In this particular instance, Officers consider that the benefits to the applicant and users (within a protected characteristic) would not outweigh the harm to the residential amenities of the neighbouring occupiers as a result of the proposal.

Whilst assessing this application, the local planning authority offered the applicant the opportunity to explore the option for a temporary planning permission. The applicant however has rejected an option of a temporary permission, and wished for the application to be assessed based on what was sought, which officers conclude is harmful to neighbouring residents.

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed variation is of a scale and nature which results in a development that is substantially different from the one that was originally approved. Furthermore, the proposed variation would result in an increase in noise and disturbance on Friday evenings and Saturdays which would detrimentally harm the living conditions of surrounding residents.

Location 33 Ranulf Road London NW2 2BS

Reference: 19/0965/FUL

Received: 19th February 2019

Accepted: 19th February 2019

Ward: Childs Hill

Expiry 16th April 2019

Applicant: Christoforou Family

Proposal: Demolition of the existing dwelling and replacement with a two storey plus rooms in roofspace dwelling house

AGENDA ITEM 15

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:

- Existing Location and Site Plan, Drawing No.LP-01 Rev 00;
- Existing Site Plan, Drawing No.EX-00 Rev 00;
- Existing Ground Floor Plan, Drawing No.EX-01 Rev 00;
- Existing First Floor Plan, Drawing No.EX-02 Rev 00;
- Existing Second Floor Plan, Drawing No.EX-03 Rev 00;
- Existing Roof Plan, Drawing No.EX-04 Rev 00;
- Existing Front Elevation, Drawing No.EX-05 Rev 00;
- Existing Rear Elevation, Drawing No.EX-06 Rev 00;
- Existing Side Elevations, Drawing No.EX-07 Rev 00;
- Existing Side Elevation 02, Drawing No.EX-08 Rev 00;
- Existing Section AA, Drawing No.EX-09 Rev 00;
- Demolition Plan, Drawing No.2018-037-03 Rev -;
- Demolition Elevations, Drawing No.2018-037-04 Rev -;
- Proposed Floor Layouts, Drawing No.2018-037-500 Rev -; and
- Proposed Elevations, Drawing No.2018-037-501 Rev -;

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

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

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

- 3 No 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).

- 4 a) Before the development hereby permitted is first occupied, details of boundary treatment to be installed to the rear of the property adjacent to the neighbouring occupier at No.31 Ranulf Road shall be submitted to and approved in writing by the Local Planning Authority.

b) The bounday enclosures shall be installed in accordance with the details approved under this condition before first occupation and retained as such thereafter.

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

- 5 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevations , of the extension hereby approved, facing No.31 and No.35 Ranulf 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).

- 6 The roof of the ground floor rear projection 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 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.

8 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.

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

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

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

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

10 a) 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 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 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.

- 13 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).

- 14 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.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of 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, noise 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 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

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

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

Informative(s):

- 1 In accordance with paragraphs 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.

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

3 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 or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.

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

- 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) 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

Ranulf Road is a residential street in the Childs Hill Ward. A number of properties on Ranulf Road have had alterations and the surroundings are predominantly suburban in character. The property is not listed nor in a conservation area.

33 Ranulf Road is a large detached single dwelling house in the Hocroft Estate. The front elevation of the property is two-storey with a substantial pitched roof and the rear elevation is also two storeys with an existing single storey rear extension of 5 metres. The property has a side garage neighbouring no. 35 which is set at a lower level in the front elevation in relation to the main dwelling house. This is due to the fall in levels meaning that the houses are positioned on a slight slope. Thus, the dwelling at 31 Ranulf Road is slightly higher than no. 33 and no. 35 is at a slightly lower level.

2. Site History

Reference: 18/3587/HSE

Address: 33 Ranulf Road, London, NW2 2BS

Decision: Approved subject to conditions

Decision Date: 21 November 2018

Description: Part single, part two-storey rear extension with rear juliette balcony (at first floor level) following demolition of existing single storey rear extension. Part single, part two storey side extension including extension to roof following removal of existing side dormer. New front (portico) porch with replacement canopy. Extension to main roof, including raising the ridge height, 3no front dormers and 3no rear dormers following removal of existing front and rear dormers and rear rooflights. Associated alterations to fenestration including double glazing. Alterations to landscaping including new front boundary wall with railing and new hardstanding (AMENDED PLANS AND DESCRIPTION)

Reference: 18/4803/HSE

Address: 33 Ranulf Road, London, NW2 2BS

Decision: Refused

Decision Date: 28 September 2018

Description: Part single, part two-storey rear extension with rear balcony (at first floor level) following demolition of existing single storey rear extension. Part single, part two storey side extension including extension to roof following removal of existing side dormer. New front (portico) porch with replacement canopy. Extension to main roof, including raising the ridge height, 3no front dormers and 3no rear dormers following removal of existing front and rear dormers and rear rooflights. Associated alterations to fenestration including double glazing. Alterations to landscaping including new front boundary wall with railing and new hardstanding (AMENDED PLANS AND DESCRIPTION)

Appeal: Dismissed 07.02.19

Reference: 19/0205/S73

Address: 33 Ranulf Road, London, NW2 2BS

Decision: Approved subject to conditions

Decision Date: 5 March 2019

Description: Variation of condition 1 (Plan Numbers) pursuant to planning permission 18/3587/HSE dated 21/11/2018 for 'Part single, part two-storey rear extension with rear juliette balcony (at first floor level) following demolition of existing single storey rear extension. Part single, part two storey side extension including extension to roof following removal of existing side dormer. New front (portico) porch with replacement canopy.

Extension to main roof, including raising the ridge height, 3no front dormers and 3no rear dormers following removal of existing front and rear dormers and rear rooflights. Associated alterations to fenestration including double glazing. Alterations to landscaping including new front boundary wall with railing and new hardstanding. Amendments to first floor rear extension

Reference: F/02021/14

Address: 33 Ranulf Road, London, NW2 2BS

Decision: Approved subject to conditions

Decision Date: 23 June 2014

Description: Variation of condition 1 (plan numbers) Pursuant to planning permission F/04797/11 dated 02/04/2012. Amendments include extending the basement walls to the north and west, changing the staircase and extending the plant room.

Reference: F/03161/12

Address: 33 Ranulf Road, London, NW2 2BS

Decision: Refused

Decision Date: 3 October 2012

Description: Single storey rear extension.

Reference: F/04797/11

Address: 33 Ranulf Road, London, NW2 2BS

Decision: Approved subject to conditions

Decision Date: 3 April 2012

Description: Proposed basement to the existing dwelling house.

Reference: C03982E/03

Address: 33 Ranulf Road, London, NW2 2BS

Decision: Refused

Decision Date: 7 April 2003

Description: Single storey rear extension.

Reference: C03982H/05

Address: 33 Ranulf Road, London, NW2 2BS

Decision: Refused

Decision Date: 6 June 2005

Description: Single storey rear extension.

Reference: C03982F/03

Address: 33 Ranulf Road, London, NW2 2BS

Decision: Approved subject to conditions

Decision Date: 13 June 2003

Description: Single storey rear extension.

Reference: C03982G/04

Address: 33 Ranulf Road, London, NW2 2BS

Decision: Refused

Decision Date: 10 January 2005

Description: Part single, part two-storey rear and side extension.

Reference: F/01642/09

Address: 33 Ranulf Road, London, NW2 2BS

Decision: Approved subject to conditions

Decision Date: 30 June 2009
Description: First floor side extension.

3. Proposal

This planning application seeks the following works: Demolition of the existing dwelling and replacement with a two storey plus rooms in roof space dwelling house.

4. Public Consultation

Consultation letters were sent to 16 neighbouring properties.
8 responses have been received, comprising 8 letters of objection, 0 letters of support and 0 letters of comment.

The objections received can be summarised as follows:

- Bulk and mass of the proposed dwelling compared with the existing dwelling;
- Disproportionate to other dwellings on the road;
- Obscure light to neighbouring properties;
- Increased height;
- Reduction of space between dwellings;
- Concerns regarding proposal creating a precedent for larger dwellings on Ranulf Road;
- Change in roof profile;
- Overpowering gated entrance.

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 revised National Planning Policy Framework (NPPF) was published on 19th February 2019. 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.
- Relevant Development Management Policies: DM01, DM02.

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

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

Any scheme for the site will need to respect the character and appearance of the local area, related appropriately to the site's context, and ensure protection of the amenities of neighbouring occupiers and the amenities of future occupiers. This will include taking full

account of all neighbouring sites and will suitably address the requirements of the development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

The applicant seeks permission for the following:

- Demolition of the existing dwelling and replacement with a two storey plus rooms in roof space dwelling house.

Elevations:

- The proposed dwelling would measure 10m from natural ground level to the top of the proposed crown roof;
- The proposed dwelling would be set down from the neighbouring property at No.31 Ranulf Road by 2.2m and would site above No.35 by approximately 0.5m (measurement taken from the subordinate side element closest to No.35);
- The proposed dwelling is proposed to be of a similar design to the existing dwelling and the dwellings on this side of Ranulf Road which is characterised by large dwellinghouses, over three levels with widths spanning a large proportion of the overall plot size.

Ground floor:

- The proposed ground floor would house a study, dining room, garage, living room, family room, kitchen (and associated utility/coat rooms/toilet) and entrance hallway.
- 20m in depth on the side closest to the neighbour at No.33 Ranulf Road;
- 17m in depth on the side closest to the neighbour at No.35 Ranulf Road;
- 16m in width, with a separation off the boundary with No.33 and proposal to be located on the boundary with No.35;
- Two front bay window projections and a centrally aligned front porch projection with a flat roof and 2x decorative pillars.

First floor:

- The proposed first floor would house a master suite with associated ensuite and dressing room, 2x bedrooms with ensuite bathrooms and a landing/gallery space;
- Maximum depth of 15.0m from the main front building line (not including the bay windows);
- A subordinate first floor side 'extension' element which is set back from the main front building line by 3.0m and positioned on the boundary with No.35 Ranulf Road.
- 2x rear projections at first floor level which are set in from both boundaries of neighbouring properties, with a rear terrace/balcony area accessed internally through the proposed master bedroom.

Second floor:

- The proposed roof level would house 2x bedrooms with associated ensuites, a playroom, a separate bathroom, a cinema room and storage spaces;
- There are three proposed dormer windows to the front elevations and rear elevations.

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

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.

As part of the assessment within this officer's report, reference is made to a dismissed appeal (appeal reference APP/N5090/D/18/3217211) which related to application 18/4803/HSE. This previous application differs in nature to the current proposal due to its being for householder extensions to the existing dwelling, however the scale of the extensions is very similar.

The appeal was dismissed on one point only - the inadequate set back of the first floor side extension proposed as part of that scheme from the front elevation, on which the Inspector stated "The prominence of the side extension in relation to the neighbouring property would represent poor design in this context and would result in harm to the character and appearance of the area".

Applications incorporating a first floor extension set back 3m from the front elevation have subsequently been approved (18/3587/HSE and 19/0205/S73).

The current proposal incorporates the appeal proposals but with the set back first floor.

Given the application history and the merits of the proposal, the overall size, scale, bulk, height and design of the development is considered to be appropriate within its context.

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

Ground Floor;

The proposed width of the property and front building line maintain consistency with the existing dwelling.

The appeal inspector noted the following for the proposed ground floor rear projection in Appeal Reference APP/N5090/D/18/3217211 Point 6: "Although large and deep, the ground floor additions would not be out of keeping with the scale of the extended house and its large garden."

It has been assessed that there is an existing rear outbuilding on the boundary with No.31 Ranulf Road, this currently extends 8.9m beyond the existing ground floor rear elevation of No.31. The proposed ground floor extension would extend to a depth of 6.0m from the existing rear wall at No.31 Ranulf Road and would be set away from the boundary by approximately 1.0-1.2m. This was highlighted in the appeal inspectors report under Point 13: "With regard to the residents of 31 Ranulf Road, the ground floor works would not extend as deep into the rear garden as the existing masonry structure that is built up to the shared boundary. The removal of this structure and the construction of the single storey rear addition, away from the boundary, would be less imposing than the current structure. Subject to appropriate boundary treatment, this element of the proposal would be satisfactory'. The requirement for a boundary treatment against No.31 Ranulf Road is to be secured by condition on this application.

The existing outbuilding sits at a height of approximately 2.3m, the proposed ground floor projection is proposed to be of a maximum height of 3.7m.

As previously mentioned, the properties along this part of Ranulf Road are located on a slight slope and thus the neighbouring property at No.31 Ranulf Road sits at a higher level than the application site.

The appeal inspector concluded the following on appeal reference APP/N5090/D/18/3217211 Point 17: "Given the recent permission, I am satisfied that the proposal would not result in unacceptable additional harm with regard to amenity. It would generally satisfy the Council's design policies and those of the Framework."

The proposal footprint differs to the appeal scheme as it includes an 'infill' extension at ground floor level resulting in a staggered elevation. Due to the positioning of this additional depth in a centrally aligned location on the rear elevation at ground floor level, it is not assessed to impact amenity of neighbouring occupiers.

Due to No.31 Ranulf Road being positioned at a higher level, it is assessed that this additional increase in size and its positioning of away from the boundary would not be harmful to the neighbouring property.

First Floor;

A first-floor level, the main concerns expressed as part of the appeal scheme APP/N5090/D/18/3217211 are regarding the first-floor element closest to No.35 Ranulf Road. This has been incorporated as part of this proposal (a subordinate side projection to the proposed main dwelling). The appeal inspector expressed concerns regarding this element, Point 17:" The prominence of the side extension in relation to the neighbouring property would represent poor design in this context and would result in harm to the character and appearance of the area".

As part of this proposal, this element of the scheme has been reduced in the following way:

- The side wing element has been set back from the main front elevation by 3.0m; and
- And has been set away slightly from the boundary.

An application incorporating an amended first floor side extension was submitted and approved (reference 18/3587/HSE). Therefore, the principle of a two-storey side projection/wing closest to No.35 Ranulf Road is acceptable at the proposal site.

Therefore, officers would not object to the dimensions at first floor level in relation to impact on the amenity of neighbouring occupiers.

Second Floor/Roof Level;

The proposed second floor/roof level and proposal of a large crown/mansard roof incorporating 6no dormers, 3no to the front and 3no the rear roof slopes and raising of the ridge height are considered acceptable. The proposed dormers would all be similar in height, width and depth mimicking the existing design of those on the front of the property. The proposal seeks to raise the ridge height by approximately 0.75 metres. As previously mentioned the topography of Ranulf Road is a gradual slope. Given this topography and the minimal raising of the ridge height officers do not consider that there would be any harm to the existing street scene given the significant level changes as existing between the application site and adjacent properties.

The new roof would be the same as the roof proposals approved in previous applications and shown within the appeal scheme.

Officers do not consider that the second floor/roof level will result in any unacceptable harm to the visual or residential amenity of any neighbouring occupiers.

The proposals are considered to have an acceptable impact in relation to the amenities of neighbouring occupiers, in accordance with Policy DM01 of the Development Management Policies DPD.

5.4 Response to Public Consultation

Representations have been addressed within the main body of this report.

6. Equality and Diversity Issues

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

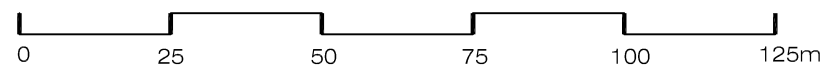
7. Conclusion

Having taken all material considerations into account, it is considered that 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.

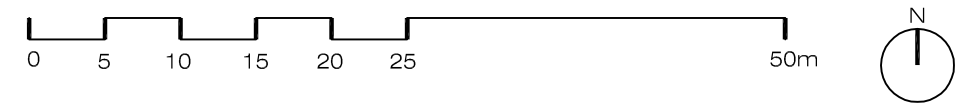
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EXISTING
Location Plan
SCALE 1:1250@A3 LP-01



EXISTING
Site Plan
SCALE 1:500@A3 LP-01



XUL
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PLEASE NOTE:

1. ALL DIMENSIONS TO BE CHECKED ON SITE BEFORE FABRICATION.
2. CONTRACTOR TO REFER TO ENGINEERS DRAWINGS BEFORE PROCEEDING WITH WORKS.
3. ALL DRAWINGS AND DESIGNS ARE COVERED BY DESIGN RIGHT (INTELLECTUAL PROPERTY), AND MAY NOT BE DISTRIBUTED, COPIED OR ISSUED WITHOUT WRITTEN PERMISSION BY THE ARCHITECT.
4. ALL DESIGN CONCEPTS ARE THE SOLE PROPERTY OF THE ARCHITECT AND NO ADAPTATIONS, REPRODUCTIONS OR COPIES MAY BE MADE WITHOUT WRITTEN PERMISSION OF THE ARCHITECT.
5. THESE DRAWINGS ARE SUBJECT TO ANY VARIATION REQUIRED OR RECOMMENDATION BY ANY STATUTORY AUTHORITY, OR FOR THE BETTER CARRYING OUT OF THE WORKS.
6. SAMPLES TO BE PROVIDED BY CONTRACTOR FOR XUL ARCHITECTURE'S APPROVAL.
7. ALL FINISHES TO XUL ARCHITECTURE'S SATISFACTION.
8. ALL DRAWINGS TO BE APPROVED BY XUL ARCHITECTURE'S PRIOR TO CONSTRUCTION.

ADDITIONAL NOTES:

REVISIONS			
No	Date	Description Issue For	Issue By
00	01/06/18	PLANNING	SL

Client PRIVATE CLIENT		
Project 33 Ranulf Road London NW2 2BS		
Title EXISTING Location & Site Plan		
Scale 1/1250@A3	Dwg. No. LP-01	Rev. 00
Date 01/06/18	Project Number 17129	
Drawn ESM	Checked IW	

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Location 185 West Heath Road London NW3 7TT

Reference: 19/0648/FUL

Received: 5th February 2019

AGENDA ITEM 16

Accepted: 5th February 2019

Ward: Childs Hill

Expiry 2nd April 2019

Applicant: Mr & Mrs Newington

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

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:

- o1801 S 01 Rev - Existing Location and Block Plan;
- o1801 S 02 Rev - Existing Roof Plan;
- o1801 S 03 Rev - Existing Plans;
- o1801 S 04 Rev - Existing Front and Rear Elevations;
- o1801 S 05 Rev - Existing Side Elevations;
- o1801 AP01 Rev - Proposed Block Plan;
- o1801 AP02 Rev - Proposed Site Plan;
- o1801 AP03 Rev - Proposed Lower Ground Floor Plan;
- o1801 AP04 Rev - Proposed Upper Ground Floor Plan;
- o1801 AP05 Rev - Proposed Upper Floor Plans;
- o1801 AP06 Rev - Proposed Roof Plan;
- o1801 AP07 Rev - Proposed Front Elevations;
- o1801 AP08 Rev - Proposed Rear Elevations;
- o1801 AP09 Rev - Proposed Side Elevations;
- o1801 AP20 - View from 183A Rear Garden;
- o1801 AP21 - View from 183A Rear Balcony;
- o1801 AP22 - View from 183A Rear Roof Terrace;
- o1801 AP23 - Green Wall example of proprietary system;

oTree Report - by Tretec; and

oPlanning Statement prepared by Michael Burroughs Associates; and

oSustainability Report prepared By Charlton Brown Architects.

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).

18 a) No development other than demolition works shall take place until details of the proposed car lift 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 details 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.

19 Only the flat roofs which have been shown as terraces hereby permitted shall be used as terraces. Other areas of flat roof may only be accessed in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

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

Informative(s):

- 1 In accordance with paragraphs 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.

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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. 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). 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: 18/4447/FUL

Address: 185 West Heath Road, London, NW3 7TT

Decision: Refused

Decision Date: 23 November 2018

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

During consideration of this previous application, the proposal was amended to include the reduction in depth of the top floor of the proposed house to lessen the impact of the development on the amenity of neighbouring occupiers at number 183A West Heath Road. The amended scheme was refused by planning committee on 23rd November 2018, for the following reason.

"The proposed development by reason of its size, siting, bulk and design would have an overbearing appearance which would be detrimental to the visual and residential amenities of the occupiers of surrounding properties and would result in overlooking of 183A West Heath Road leading to a loss of privacy detrimental to the amenities of the occupiers of that property. The development would therefore be contrary to policies CS1 and CS5 of the Adopted Core Strategy 2012, policy DM01 of the Adopted Barnet Development Management Policies DPD 2012, the Adopted Residential Design Guidance 2016 and the Adopted Sustainable Design and Construction SPD 2016."

Reference: F/02910/09

Address: 185 West Heath Road, London, NW3 7TT

Decision: Approved

Decision Date: 29 October 2009

Description: Submission of details of conditions 6 (Refuse), 9 (Ventilation and Extraction Equipment - Details Required), 10 (Landscaping) and 19 (Automated Gates - Details) pursuant to planning permission C06711K/07.

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 dwelling house 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 81 neighbouring properties.

6 responses have been received, comprising 6 letters of objection.

The objections received can be summarised as follows:

- Loss of privacy to neighbouring occupiers;
- Increase in floorspace compared with existing house/Larger property proposed compared with existing house;
- Potential overlooking from balconies and terraces;
- Potential noise pollution from future occupiers using proposed balconies;
- Proximity of proposal to boundary with neighbouring property;
- Perception of tunnelling/enclosing effect to neighbouring properties;
- Concerns regarding maintenance of proposed green roof;
- Concerns regarding impact of construction on existing green screening (hedge);
- Reduction of light to upper floors of neighbouring house from the increase in depth at top floor level;
- Proximity of terracing to neighbouring properties at lower ground and ground floor levels;
- Proposal is out of scale with existing houses on West Heath Road;
- Large amount of glazing to the rear, non-energy efficiency;
- Overlooking into neighbouring homes and gardens due to natural slope of the site downhill to the rear;
- Modern design out of keeping compared to the design of the original house;
- Dominating structure in comparison to the properties located on Finchley Road to the rear;
- Overdevelopment of the site;
- Increase of massing at third floor (roof) level;
- Increase in bulk and massing compared with the existing property;
- Loss of light to neighbouring properties; and
- 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 19th January 2019. 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

Any scheme for the site will need to respect the character and appearance of the local area, related appropriately to the sites context, and ensure protection of the amenities of neighbouring occupiers and the amenities of future occupiers. This will include taking full account of all neighbouring sites and will suitably address the requirements of the development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

This application is of a similar nature to planning application reference 18/4447/FUL. 18/4447/FUL was recommended for approval subject to conditions by the officer, but was refused at planning committee. The current application has been amended in the following way from the refusal scheme:

- o The front central bay inset is reduced and the hipped roof pitch is amended so the ridge is now 350mm lower than the previous application;
- o The first-floor rear projection (to the north of No. 183A) is omitted;
- o A green roof replaces the first-floor balcony along the boundary with No. 183A;
- o Alterations to fenestration including: first and second floor glazing reduced, side dormer amended, glazing bar added, side elevation glazing repositioned; rooflights amended and terrace rooflight; and
- o Planters added to rear terrace and planted privacy screen and wall added to ground floors along boundary with No. 183A.

The applicant seeks permission for the following:

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

Elevations:

- The proposed dwelling's front elevation would measure 9.8m from natural ground level to the top of the proposed crown roof (the existing maximum height of the front elevation is 10.4m);
- The proposed dwelling would be set higher than the neighbouring property at No.183A West Heath Road by approximately 1.4m, with a distance of 2.5m between the flank wall of the proposal house and the neighbouring property;

Lower Ground Floor:

- The proposed lower ground floor would house, underground parking for two vehicles with associated car lift, cinema room, games room, swimming pool, courtyard and associated storage rooms;
- The lower ground floor level would extend from the front boundary of the site to the rear by approximately 31.0m and would be positioned on the boundary with No.183 West Heath Road. The lower ground floor level is positioned away from the boundary with No.187 West Heath Road.
- Due to the significant reduction in land levels from the front to the rear of the site, the lower ground floor level appears as an additional storey from the rear elevation.

Upper/Ground Floor:

- The proposed upper ground floor would house a dining room, living room, family room, kitchen (and associated utility/coat rooms/toilet) and entrance hallway.
- 21.7m in depth on the side closest to the neighbour at No.183 West Heath Road;
- 21.7m in depth on the side closest to the neighbour at No.187 West Heath Road;
- 19m in width, with a separation off the boundary with No.183 and No.187. The width is consistent with the width of the existing dwelling house.
- Two front bay window projections and a centrally recessed front porch.

First Floor:

- The proposed first floor would house a 5x bedrooms with associated ensuite bathrooms;
- Depth of 16.4m from the main front building line bordering No.183A West Heath, resulting in a projection of 0.5m further at first floor level than the first-floor projection at 183A West Heath Road. This element has been reduced by 2.1m from the refused scheme LBB reference 18/4447/FUL.

- 2x rear projections at first floor level which are set in from both boundaries of neighbouring properties, with a rear terrace/balcony area accessed internally through the proposed bedroom on the side closest to 187 West Heath. The roof of the upper ground floor level closest to 183A West Heath Road is not to be used as a terrace but dummy balustrades are proposed for symmetrical design purposes on the rear elevation.

Second Floor/Roof Level;

- The proposed roof level would house the master suite;
- There are two proposed dormer windows to the front elevations and rear elevation has a centrally aligned terrace with glass panelling to either side;
- The Second Floor/Roof Level would project 6.0m further than the existing second floor rear wall level at 183A West Heath Road and would project in line with the edge of the upper second floor terrace at 183A West Heath Road.

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.

Officers consider 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 due to the additional bulk at roof level at the rear, although the maximum height would be slightly lower than the existing ridge. Compared to the previous scheme, the depth of the building has been reduced at first floor level along the side closest to No. 183A. This gives a better relationship to No. 183A than in the previous scheme.

An objection has been received in relation to the new building appearing bulky and blocking light to the neighbouring property. The plans have been amended since the previous refused scheme to reduce the depth of the first floor nearest the boundary with No. 183A.

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 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. The amount of glazing at the upper floor levels has been reduced compared to the refused scheme.

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 of 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 m². The development meets and exceeds this requirement.

Impact on the amenities of neighbours

One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbour's 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.

At all levels, the width of the property is to remain consistent with the existing dwellinghouse. The building would be between 0.7m and 0.8m from the boundary with no. 183A. As noted in the applicant's planning statement, the rear elevation is over 40m from the houses fronting Finchley Road, situated to the rear of the proposal site, and therefore it is assessed that no harmful overlooking or overshadowing will occur to these properties due to the separation distance. Following concerns raised at the previous committee about the level of glazing to the rear and perceived overlooking, the amount of glazing to the rear elevation has been reduced.

The following assessment considers potential impacts on the adjoining neighbours on West Heath Road.

Lower Ground Floor/Basement Level

The proposed 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 street scene 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, and compared to the deeper existing swimming pool building, this element of 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 and from the rear elevation of 183A

by approx. 4m. 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.183A West Heath Road has been reduced in depth from what it presents currently (the swimming pool building) by 4.5m along the boundary. Although the ground floor will be approx. 1.7m higher than the ridge of the existing swimming pool, it projects less far into the rear of the site and therefore this element is assessed to not unduly harm the amenities of neighbouring occupiers at No.183A West Heath Road. Although the ground floor has a terrace area to the rear, it is proposed to screen the terrace and the screen would be no higher than the existing swimming pool ridge. Again, this is considered to ensure that the additional impacts on the neighbours at No. 183A would not be unduly harmful.

First and Second Floor Levels

The first floor of the proposed building would project rearwards by approx. 0.5m from the rearmost bay of the existing house closest to 183A.

As part of this proposal, the flat roof at first floor level has been replaced with a green roof surrounded with balustrades/privacy screen to provide the illusion of a balcony from the rear projection. This has been conditioned for access only to be used for maintenance of this roof.

At second floor level, the proposed building would project rearwards from the existing dormer window by approx. 5m. This would result in the proposed building extending at roof level approx. 6m beyond the second-floor level of no. 183A.

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 help address concerns at consultation regarding the property appearing dominant and overbearing due to the use of these materials.

Accessibility and Sustainability

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

In terms of water consumption, a condition 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.

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Location Land Adjacent 38 Needham Terrace London NW2 6QL

Reference: 18/6874/FUL

Received: 15th November 2018

Accepted: 16th November 2018

Ward: Childs Hill

Expiry 11th January 2019

Applicant: Mr Sam Hassan

Proposal: Demolition of existing double garages. Erection of a two-storey single family dwellinghouse. Associated refuse/recycling store. REVISED PLANS: Updated drawings including removal of off street parking space and internal alterations to provide additional bedroom

AGENDA ITEM 17

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. 3. Highways (traffic order) £2,022.00
A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development.

4. Monitoring of the Agreement £100.00
Contribution towards the Council's costs in monitoring the obligations of the agreement.

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: 5001, 5002, 5003 RevD, 5004 Rev D, 5006 Rev C, 5100 Rev C, 5103 Rev C, 5102 Rev C, 5050 Rev B,

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 and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority. The details shall include a panel board on site with brick, mortar and bonding detail, sample of roof slate and details of fenestration, eaves detailing, doors, boundary walls and fencing and pipework/guttering.

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

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

4 a) Before the development hereby permitted is first occupied, details of 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).

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

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

6 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 (2015) and the 2016 Mayors Housing SPG.

9 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

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

Reason

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

10 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.

11 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.

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 or E of Part 2 of Schedule 1 of that Order shall be carried out within the area of the development hereby approved.

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

13 a) A scheme of hard and soft landscaping 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.

RECOMMENDATION III:

0 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 20/01/2019, unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason(s):

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. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

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

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

- 5 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.
- 6 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 7 The applicant is advised that it is their responsibility to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where you propose to discharge to a public sewer, prior approval from Thames Water Developer Services will be required, and they can be contacted on 0800 009 3921. The above is in order to ensure that the surface water discharge from the site is not detrimental to the existing sewerage system.

Officer's Assessment

1. Site Description

The application site is located on the eastern side of Needham Terrace, within the Childs Hill ward. It contains a single storey double garage that originally served No.38 Needham Terrace. No. 38 Needham Terrace is an end of terrace dwelling that is located to the south of the application site. No. 39 Needham Terrace is a detached dwelling located to the north of the application site.

The application site is located within Cricklewood Railway Terraces Conservation Area. The conservation area is centred on a group of former railway workers' cottages which are arranged in small terraces with communal front gardens and lie adjacent to an extensive area of railway tracks. The area is largely residential in character and is a quiet enclave set back from the busy main road on slightly rising ground. The overall appearance is defined by the red facing brick frontages and slate roofs, together with retained original doors, windows, chimney stacks and pots.

2. Site History

Reference: C01998D

Address: Land adjoining 38 Needham Terrace, London, NW2 6QL,

Decision: Approved subject to conditions

Decision Date: 18.11.1970

Description: the erection of two lock-up garages.

Reference: 15/05673/FUL

Address: 38 Needham Terrace, London, NW2 6QL,

Decision: Refused.

Decision Date: 24 March 2016

Description: Demolition of existing double garage and erection of new detached two-storey two bedroom dwelling with associated amenity space refuse storage.

Reasons:

1. The proposed house would, by reason of its design, size and siting, result in a loss of outlook and appear overbearing when viewed from the neighbouring garden of 39 Needham Terrace detrimental to residential amenities of the occupiers of that property. The application is therefore unacceptable and contrary to policies CS NPPF, CS1 and CS5 of the Barnet Core Strategy (2012), policy DM01 of the Barnet Development Management Policies DPD (2012), policy 7.6 of The London Plan (2015) and the guidance contained in the Barnet Residential Design Guidance Supplementary Planning Document (2013).

2. The development would require a formal undertaking to prevent residents from obtaining parking permits and no formal undertaking has been given to provide this. In the absence of this agreement it is considered that the proposals would have a harmful impact on highway and pedestrian safety contrary to Policy DM17 of the Adopted Development Management Policies 2012.

An appeal was made against the proposal and it was dismissed (ref: APP/N5090/W/16/3159344)

Reference: 17/3559/FUL

Address: Land adjoining 38 Needham Terrace, London, NW2 6QL,

Decision: Refused

Decision Date: 13.06.2018

Description: Demolition of existing double garages. Erection of a two-storey single family dwellinghouse (two bedrooms). New patios to front and rear garden areas. Amended design to roof (extended eaves) and boundary walls.

Reasons:

1. The proposed new dwelling by reason of its size, design, siting and massing would be a discordant form of development that would fail to preserve or enhance this part of the Cricklewood Railway Terraces Conservation Area. The proposals would be contrary to policies DM01 and DM06 of the Adopted Barnet Development Management Policies 2012 and the Cricklewood Railway Terraces Character Appraisal Statement.

2. The proposals would provide no car parking to serve the development and in the absence of a legal agreement preventing residents from obtaining parking permits, would result in increased kerbside parking to the detriment of the free flow of traffic and highway and pedestrian safety. The proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies and CS9 of the Adopted Barnet Core Strategy 2012

An appeal was made against the proposal and it was dismissed (ref: APP/N5090/W/18/3196184)

Reference: 18/5265/FUL

Address: Land adjoining 38 Needham Terrace, London, NW2 6QL,

Decision: Withdrawn

Decision Date: 10.10.2018

Description: Demolition of existing double garages. Erection of a three-storey, single family dwellinghouse (two bedrooms)

Reference: 17/8222/FUL

Address: Land adjoining 38 Needham Terrace, London, NW2 6QL,

Decision: Refused

Decision Date: 01.10.2018

Description: Excavation and creation of a basement level storage area under existing double garages including the installation of an access hatch and internal ladder

3. Proposal

The demolition of existing double garages and the construction of a two-storey two-bedroom single family dwellinghouse of 69sqm gja. New enclosed patio to front area of 26sqm, refuse and cycle storage. The application site has a depth of approximately 12.2 metres and a width of approximately 5.3 metres.

4. Public Consultation

Consultation letters were sent to 77 neighbouring properties. A site notice was published on 22.11.2018 and press notice published 22.11.2018. Further consultation was carried out on 12.02.2019 following receipt of amended plans.

122 responses have been received, comprising 31 letters of objection, and 91 letters of support.

The objections received can be summarised as follows:

- The proposal will harm the character and appearance of the conservation area
- The design does not reflect that of the railway cottages
- There will be a loss of existing garage space
- The proposal will lead to a loss of light to neighbours
- There will be a loss of privacy for neighbours
- An increase in parking problems
- The unit and rooms are under sized
- A sense of enclosure would be created
- An increase in the spread of Japanese knotweed
- The proposal is inconsistent with conservation guidelines

A number of letters of support have originated from emails not directly linked to the addresses of local residents (38 outside the NW2 postcode) and further correspondence has been received from people working at the same business as the applicant. However, a number of emails have been received from residents within the Cricklewood Railway Terraces Conservation Area in support of the proposal.

In summary, and excluding repeat emails and other correspondence from both inside and outside NW2 postcode area, the Council has received six emails of support from residents living in the Cricklewood Railway Terraces Conservation Area and 14 objections from residents within the Cricklewood Railway Terraces Conservation Area.

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 on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

Residential Design Guidance SPD (adopted October 2016).

Railway Terraces Cricklewood Conservation Area Character Appraisal and Management Proposals (23.10.2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The principle of locating a residential use at this site
- 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 would provide an adequate standard of accommodation for future residents.
- Highway and parking matters

5.3 Assessment of proposals

The principle of locating a residential use at this site

In the appeal decision (Ref APP/N5090/W/16/3159344) it was considered that a new dwellinghouse would be acceptable on the application site provided that it was designed in such a way that it preserved the character and appearance of the Cricklewood Railway Terraces Conservation Area and would not materially impact the amenity of neighbouring and adjoining occupiers.

There is no planning objection to the loss of the lock up garages. However, that is not necessarily a reason to prevent alternative and more suitable uses for the site. The loss of garages has not been raised previously as a reason to refuse alternative development on this site either in officer advice or Inspectors comments. The London Plan encourages the best and most effective use of urban sites and this site lends itself to an alternative use and building.

The character of the conservation area is heavily defined by its residential use. The proposed residential addition would therefore be appropriate in land use terms. The immediate environment would be suitable for further residential accommodation.

Impact on the character of the area

A key aim of Policy DM06 of Barnet's Development Management Policies (2012) is to preserve the distinctive character of conservation areas. Properties on Needham Terrace share a commonality of detail, design and scale. Needham Terrace is characterised by 2 storey detached residential properties with pitched roofs.

The existing garages are not characteristic of the conservation area and whilst at best their presence may be described as neutral, this is due to their presence over a long period of time rather than any architectural or design merit. Their replacement with a building that is closer to the established form, height and scale of the terraced house will enhance the appearance and character of the conservation area. It is accepted that the building will be detached and has a lower roofline and therefore less in character than is the case with the established terraced house. However, the proposal will infill a current gap between the established terrace and the detached property at 39, and complete the street.

In the appeal decision (Ref APP/N5090/W/16/3159344), the Inspector noted that an infill proposal would preserve the character and appearance of the conservation area, and that the dwelling would suitably reflect the scale and appearance of other dwellings in this part of the conservation area.

The second appeal decision of June 2018 (Ref APP/N5090/W/18/3196184) was dismissed because it was considered that the design failed to contribute positively to the conservation area. The current proposal aligns more appropriately with no.38 in terms of height and roof form, and the deeper eaves and boundary treatment are more characteristic of the earlier cottages.

The design itself will draw on the height, form and scale of the existing 19thC houses. The facing material will be brick, and this will be subject to condition to achieve a good quality product. A wall panel would be required to be built on site to ensure brickwork, mortar and bonding adequately match the original properties. The roof will be of slate and the design of the eaves overhang will reflect that of the older properties.

The high level of response to this application, both for and against, reflects the difficulty in finding a scheme that will be acceptable to all parties. It could be argued that extending the existing terrace would be more appropriate than a free-standing property since terraces define the character of the area. However, this would affect rights of way and pedestrian access between the rows of cottages. If the developer can only build on the land he owns then this will produce only a free-standing unit. Therefore, the design approach could be either very contemporary or more contextual. The proposal is very much the latter although not a direct copy of the existing cottages. It is nonetheless much closer in character than the building completed at 39 Needham Terrace. It is therefore a measured balance between the constraints of the existing terrace and protecting their amenity, a form of development that reflects the character of the conservation area and a scheme that provides an acceptable standard of accommodation.

Impact on the amenities of neighbours

Policy DM01 seeks to ensure that new development does not materially affect the amenity of adjacent occupiers. The new house will occupy a footprint that ensures the two storey front elevation aligns with that of 38 Needham Terrace, and is set 3 metres back from the front elevation edge of No.39 Needham Terrace. To the rear the proposal will align with the leading edge of No.38, and although it would project beyond the rear of 39 Needham Terrace by 2.9 metres, this is a single storey part of the structure. Moreover, the existing

garages extend back to the same length as the proposal (2.9 metres) and has a height of 2.5 metres.

In terms of light, therefore, there will be no material loss to either adjoining property from the front. To the rear, there will again be no material loss to No.38. whilst the alterations will ensure that in terms of BRE standards, there will be no material loss of light No.39. The proposal lies to the north of No.38. The outlook to Nos.38 and 39 will also be retained with views from windows of either property to the subject development being one of single storey walls or boundary walls.

No windows are proposed in the side elevations of the new house, so there will be no material loss of privacy to neighbours.

The properties at Nos.39 and 40 Johnston Terrace face the site from the west at a distance of approximately 12 metres way. However they face each other over a public highway. The conservation area as a whole is defined by the narrow street pattern and elevations that are closer to each other than would be the case in more suburban locations. As a result of the orientation of the properties, there would be no material loss of light to Nos.39 and 40.

As a land use, a single dwelling house is an appropriate neighbouring use for adjacent property and one that will not be harmful. The proposal would see the removal of the garages which do not contribute to the appearance of the conservation area. Their removal and the removal of vehicular traffic will be a benefit to local residents. The surveillance afforded by the proposal and the removal of a dingy area behind the garages will improve resident safety and security.

The 15/05673/FUL scheme was refused and dismissed at appeal. The Inspector considered that that scheme would have a dominant and overbearing effect on users of the garden of 39 due to the two storey height. The present scheme, where it adjoins no.39 is only single storey and therefore the reasons for refusal is overcome in the present application. As discussed above, the front of the current proposal aligns with the front of no.38 and is set back from the front of no.39.

Whether the scheme would provide an adequate standard of accommodation for future residents

The London Plan and Barnet policy DM02 set out standards for internal and external amenity levels in new build residential schemes.

Internal Design Standards: The residential unit will have a total internal area of 69.00sqm. The London Plan requirement for a two bedroom/three person house would be 70sqm, and the proposal just falls short with this criterion. The principal bedroom will have 14sqm (sqm) and the second bedroom 8sqm. The living/diner/kitchen will provide 41.0sqm. The size of rooms and the layout of the property are partly determined by the context and the confines of the site.

External Design Standards: Policy requirement for an external private open space for a two bedroom house is 40sqm. The proposal provides 26sqm. Whilst this falls below the usual requirement, the conservation area as a whole is characterised by small private open areas many of which are less than 26sqm.

The residential unit will have outlook to front and rear and will therefore be provided with natural through-ventilation. The unit will have an outlook and aspect that is very similar to the adjoining properties, reflecting its context and modest scale. Daylight and sunlight

levels received by the property will also be acceptable, and the degree of privacy will be similar to that of neighbouring properties.

Highway and parking matters

In Highway terms, the proposal will result in the loss of 2 garages and 2 additional forecourt parking spaces for the existing dwellings. The Public Transport Accessibility Levels (PTAL) rating for the site is 3, which represents a medium accessibility level and the site is within a Control Parking Zone. This is an all-day controlled parking zone (CPZ) Zone CT.

Site observations by Highway Officers show that there is high on-street parking pressure on roads in the local area, and it is considered that a further residential development without parking provision, in addition to the loss of existing off street parking, would result in unacceptable additional parking pressure in the vicinity of the site.

However, it is considered that the proposal would be acceptable with a Legal Agreement to amend the Traffic Order that regulates the schedule of addresses for the CPZ where the site is located. This would ensure that future residents are not able to obtain residents parking permits. There would therefore be limited additional pressure for on-street parking within the CPZ. The applicant has agreed to this.

In the 15/05673/FUL scheme which was refused, one of the reasons for refusal was the absence of the recognition and requirement to enter into a legal agreement. The current proposal overcomes this.

Accessibility and Sustainability

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

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

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

5.4 Response to Public Consultation

The objections and concerns from residents have been considered within the evaluation above. But to reiterate, the proposal has been considered at a pre application stage and the principle of a two storey house agreed. The Inspectors report to an earlier scheme did not object to the principle of an infill development. The alterations to the scale, mass and height will ensure that there will be no material loss of amenity to neighbouring properties. The design is a balance between the existing 19thC terrace and the single detached end property.

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 conditional approval subject to a legal agreement.



Location 47 - 49 Woodstock Road London NW11 8QD

Reference: 19/0996/S73

Received: 20th February 2019

Accepted: 20th February 2019

Ward: Childs Hill

Expiry 17th April 2019

Applicant: Mr Morris

Proposal: Variation of Condition 2 (Plan Numbers) pursuant to planning appeal APP/N5090/W/15/3003500 dated 18/03/15 (F/06062/13 refused for `Demolition of existing pair of semi-detached houses and erection of 1No. 4 storey building plus double storey basement and including rooms in roof space, to accommodate no.9 self contained flats and no.17 underground parking spaces, storage, waste storage facilities and associated landscaping.` Amendments include removal of basement parking level and car lift, alteration to roof and internal remodulation to flats, reconfiguration of parking to provide 9 no. parking spaces at rear yard

AGENDA ITEM 18

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. Highways (Traffic Order) £2,022.00
A contribution would be required towards the cost to amend an existing Traffic Management Order or creation of a new order related to the development.

Monitoring of the Agreement £101.10

Contribution towards the Council's costs in monitoring the obligations of the agreement.

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 shall have commenced within three years of the 27th March 2015
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Feb 2019 Scheme Proposed Site Plan D-101 Rev C; Feb 2019 Scheme Proposed Level -01 Basement Plan D-02 Rev A; Feb 2019 Scheme Proposed Level 00 Ground Floor Plan D-103 Rev C; Feb 2019 Scheme Proposed Level 01 First Floor Plan D-104 Rev C; Feb 2019 Scheme Proposed Level 02 Second Floor Plan D-105 Rev C; Feb 2019 Scheme Proposed Level 03 Third Floor Plan D-106 Rev C; Feb 2019 Scheme Proposed Elevations Rev D
- 3 The materials to be used in the construction of the hard surfaced areas and external surfaces of the building hereby permitted shall be in accordance with the details approved under grant of consent 17/8174/CON
- 4 The levels in relation to adjoining land and highways of the building, roads and footpaths hereby permitted, as well as any other changes in levels of the site shall be in accordance with the details approved under grant of consent 17/8174/CON
- 5 The building hereby permitted shall not be occupied until parking spaces have been provided in accordance with Drawing No: Feb 2019 Scheme Proposed Site Plan D-101 Rev C and those spaces shall be retained thereafter and used for no purpose other than the parking or turning of vehicles.
- 6 The building hereby permitted shall not be occupied until a scheme for the parking and storage of cycles has been submitted to and approved in writing by the local planning authority. The parking and storage arrangements approved shall be retained thereafter and used for no other purpose than the parking and storage of cycles.
- 7 All works shall be carried out in full accordance with the Demolition, Construction and Traffic Management Plan approved under grant of consent 17/8174/CON
- 8 The building hereby permitted shall not be occupied until the site has been enclosed, except at the permitted points of access, in accordance with details previously submitted to and approved in writing by the local planning authority.
- 9 With the exception of those areas marked as terraces on the approved plans listed in Condition 2), the flat roof areas of the building hereby permitted shall only be used in connection with the repair and maintenance of that building and shall at no time be used as a balcony, roof garden or similar amenity or sitting out area.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), the building hereby permitted shall not be extended without the specific permission of the local planning authority.

11 No demolition or construction work hereby permitted shall take place outside 08.00hours to 18.00hours on Mondays to Fridays, 08.00hours to 13.00hours on Saturdays nor at any time on Sundays, Bank and Public Holidays.

12 The building hereby permitted shall not be occupied until the outdoor amenity areas, as shown on the approved Drawings listed in Condition 2), have been laid out in accordance with those approved drawings. These areas shall be retained thereafter.

13 Extraction and ventilation equipment shall be installed in full accordance with the details approved under grant of consent 17/8174/CON and shall be fully implemented before the building hereby permitted is first occupied and retained thereafter.

14 No discharges of foul or surface water from the site shall be accepted into the public system until the details of on- and off-site drainage works approved under grant of consent 17/8174/CON have been fully implemented.

15 The depth and type of piling proposed, the means by which it will be carried out, measures to prevent and/or minimise the potential for damage to subsurface sewerage infrastructure, and a programme for the proposed piling shall be carried out in full accordance with the Piling Method Statement approved under grant of consent 17/8174/CON.

16 Before the development hereby permitted is first occupied a scheme of hard and soft landscaping - incorporating the proposed green/living wall to the Armitage Road elevation - has been submitted to, and approved in writing by, the local planning authority. All works shall be carried out in full accordance with the approved scheme before the end of the first planting and seeding season that follows the completion of the development or the first occupation of the building hereby permitted, whichever is sooner.

17 Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

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 30% 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.

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.

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.

21 Before the development hereby permitted is first occupied or the use is commenced, the proposed privacy screens shall be installed in accordance with the details on approved Drawing No: Feb 2019 Scheme Proposed Elevations Rev D and retained as such thereafter

22 Before the development hereby permitted is first occupied, details of the Air Source Heat Pumps and their proposed means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. 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.

23 The level of noise emitted from the Air Source Heat Pumps 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.

24 Prior to the first occupation of the hereby approved development, details of the proposed solar panels shall have been submitted to and approved in writing by the Local Planning Authority. The solar panels 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.

RECOMMENDATION III:

1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 16th July 2019, unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason(s):

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 CS15 of the Local Plan Core Strategy (adopted September 2012), 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 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 3 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

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

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

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

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

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

may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

Relief or Exemption from CIL:

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

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

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

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

Visit

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

- 4 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.
- 5 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

Officer's Assessment

1. Site Description

1.1 The application site comprises a substantial pair of Edwardian semi-detached properties on a corner plot, fronting Woodstock Road, with the side elevation (No 47) facing onto Armitage Road. The accommodation is provided over two principle storeys, with additional rooms in the roof-space, serviced with natural light from windows set within prominent front and rear gables and more modest rear dormers. Both properties also benefit from signs of previous extension to the rear.

1.2 The host properties are directly reflective in design of their contemporaneous neighbour, whilst the broader area - although demonstrating a degree of architectural variation with regard to detailing - similarly reflects a character of two/three storey, pitched roof dwellings with prominent front gables, typical of metropolitan development from the era following the arrival of the railway at Golders Green in 1907.

1.3 The site is in close proximity to Golders Green Town Centre - a dedicated Conservation Area principally comprising of two Statutory Listed parades - and the London Underground station (Northern Line), affording a PTAL rating of 5/6a.

1.4 Permission was previously granted (F/06062/13 - on appeal under reference APP/N5090/W/15/3003500) for the demolition of the existing pair and the erection of an ostensibly three storey building - with rooms in the roof and at basement level - to provide 9no self-contained flats. This permission has been implemented in accordance with the requirements of Section 56 of the Town & Country Planning Act 1990 by virtue of drainage works undertaken to the front of the site and as such, remains extant. This application seeks to make a material amendment to the approved plans.

2. Relevant Planning History

2.1 The following decisions are considered to be material to this application:

Reference: F/06062/13

Address: 47-49 Woodstock Road, LONDON, NW11 8QD

Decision: Refused

Decision Date: 28th July 2014

(Appeal) Decision: (APP/N5090/W/15/3003500) Allowed

(Appeal) Decision Date: 27th March 2015

Description: Demolition of existing pair of semi-detached houses and erection of 1no 4 storey building plus double storey basement and including rooms in roof space, to accommodate 9no self-contained flats and 17no underground parking spaces, storage, waste storage facilities and associated landscaping

Reference: 18/3948/S73

Address: 47-49 Woodstock Road, LONDON, NW11 8QD

Decision: Deemed Refusal

(Appeal) Decision: (APP/N5090/W/18/3214723) Abeyance

(Appeal) Decision Date: N/A

Description: Variation of Condition 2 (Plan Numbers) pursuant to appeal APP/N5090/W/15/3003500 dated 18/03/15 (ref F/06062/13 28/07/14) for 'Demolition of existing pair of semi-detached houses and erection of 1no 4 storey building plus double

storey basement and including rooms in roof space, to accommodate 9no self-contained flats and 17no underground parking spaces, storage, waste storage facilities and associated landscaping.' Amendments include removal of basement parking level and car lift, alteration to roof and internal remodulation to flats, reconfiguration of parking to provide 12no parking spaces at rear yard

3. Proposal

3.1 This application seeks amendments to the initial proposal in the form of:

- Introduction of a contemporary design (incorporating increased glazing)
- Incorporation of a 'green-wall' to the Armitage Road elevation
- Elimination of the -2 Level basement car park and car-lift access arrangement and replacement with reduced provision at surface level (incorporating 2no disabled bays and electric vehicle charging points)
- Re-configuration of duplex units 1 & 2 over Levels -01 & 00 (to put living/dining room at basement level adjacent the amenity space and master bedroom at ground floor level; additional bedrooms at basement level to the rear)
- Re-configuration of upper floor flats
- Re-configured private amenity space for each unit (in the form of balconies and sunken terraces) and rationalisation of communal amenity space at the rear
- Schedule of Accommodation:

Approved

Ground Floor/Basement	4no 3-bed
First Floor	2no 3-bed
Second Floor	2no 3-bed
Third Floor	1no 1-bed

Amended

Ground Floor/Basement	4no 3-bed
First Floor	2no 3-bed
Second Floor	1no 3-bed + 1no 2-bed
Third Floor	1no 3-bed

3.2 This application follows extensive discussion pursuant to the previous application under Section 73 (18/3948/S73). As part of those discussions, the deemed reasons for refusal have been through the following amendments:

- A sloping tile roof and eaves comparable in outline to that previously approved (with regard to the front elevation) has been restored to the proposal. To the rear, a sloping tile roof with inset dormers has also been partially re-introduced
- The proposed surface-level car park to the rear has also been reduced in area and landscaping has been introduced.
- Basement level amenity spaces have been increased in size to match those in the previously approved scheme
- The proposed terraces on the side elevation overlooking Armitage Road have been removed
- The screen wall to the proposed rear extension at first floor level has been removed and replaced with an inset privacy screen
- Principal habitable rooms at basement level have been reconfigured to benefit from a southerly/south-westerly aspect

- The layout of Apartment 06 has been reconfigured to provide Bedroom 3 with an open outlook to the rear (away from the limited outlook afforded by its previous position in the side elevation)

4. Public Consultations

4.1 Consultation letters were sent to 110 neighbouring properties.

4.2 3no comments of support and a joint letter with 14no signatures have been received

4.3 16no objections have also been received and can be summarised as follows:

- Character & Appearance:
 - Incongruous design
- Combined effect of 4no corner properties
 - Scale (Bulk & Height)
- Use:
 - Loss of family housing/incongruity of flatted development
 - Overcrowding/Noise and disturbance
 - Further future sub-division of the property
 - Impact on local services
- Amenity:
 - Overlooking (to No 43)
 - Loss of light
- Parking:
 - Design/Extent of surface level car park at rear
 - Lack of provision
 - Access
 - Increased levels of traffic and pollution
- Subsidence
- Construction related traffic/disruption
- Absence of Affordable Housing

4.4 As part of the application, the Local Highway Authority has also been consulted. Whilst initially objecting on the grounds of a lack of information to inform on the impact of the reduction in the number of spaces from 17no to 9no, they have equally confirmed that - in the event of the scheme being fully compliant with the requirements of Policy DM17 - they would sustain no objection. The scheme is proposed subject to a Legal Agreement to restrict access of future residents to parking permits (in accordance with the expectations of Policy DM17(2)(ii)). Parking and Access are discussed in more detail at Paras 6.29-6.37.

5. Planning Considerations

5.1 Issues for Consideration

The consideration in this case is whether the proposed amendments are acceptable with regard to:

- Principle
- Character & Appearance
- Amenity of Future Occupiers

- Amenity of Neighbouring Occupiers
- Parking
- Access & Highway Safety
- Refuse & Recycling Storage
- Cycle Storage
- Landscaping
- Sustainability

5.2 Policy Context

National Planning Policy Framework

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 current iteration of the National Planning Policy Framework (NPPF) was published on 19th February 2019. 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.

Development Plan

The relevant Development Plan comprises:

The London Plan (2016)

London Borough of Barnet: Local Plan (Core Strategy) DPD (2012)

London Borough of Barnet: Local Plan (Development Management Policies) DPD (2012)

Relevant Supplementary Planning Guidance

GLA: Housing SPG (2016)

LB Barnet: Residential Design Guidance SPD (2016)

LB Barnet: Sustainable Design and Construction SPD (2016)

These documents provide detailed guidance that supplements policies in the adopted Local Plan, and sets out how appropriate and sustainable development will be delivered in Barnet.

6. Assessment

Principle

6.1 The principle of re-development, basement excavation and the provision of flats has been established by the original consent (APP/N5090/W/15/3003500). The continuing provision of a reduced basement and revised elevations and the reconfiguration of flats - without amendment to the quantum of units - remains consistent with that decision in principle.

Character & Appearance

6.2 With regard to the principal elevation facing onto Woodstock Road, the massing has been revised - from that submitted under 18/3948/S73 - to reflect the original approval.

6.3 As such, a comparable outline for the roof-scape - slightly lower than the maximum height of the approved scheme - has been restored, including an extended tiled plane that falls both sides of two wall-dormers which reference the prominent pointed gables of the previous approval.

6.4 It is primarily the pattern of fenestration which expresses the more contemporary approach. However, whilst this results in a consolidated array of larger windows - notwithstanding the benefit to the internal accommodation, discussed further below - the proposed new front elevation would retain the ostensible symmetry of the extant scheme and streetscene.

6.5 The massing of the rear elevation adopts the same outline as the front and similarly restores a tiled plane - principally to the projecting south-east wing, which would be visible on approach from the south-west along Armitage Road - inset with a reduced, three casement dormer. This is considered to be commensurate with the streetscene and will partly obscure views of the central section of the rear elevation from the public realm.

6.6 With regard to the interim scheme, visual relief is further provided by the greater articulation of the rear elevation - incorporating a recessed central section (again referencing the symmetrical effect of the existing and approved scheme) and the introduction of balconies.

6.7 The side elevation facing No 51 will largely not contribute to the public realm as it opposes the flank elevation of the neighbouring building at close quarters. As such, the largely blank appearance will not be detrimental to character and appearance and remains consistent with that of the approved scheme - save for the introduction of the oriel window at first floor level.

6.8 The flank facing onto Armitage Road builds upon the approved scheme, with no overall increase in depth, but the creation of a singular elevation over three full storeys - with greater massing at the rear, but a reduction in the overall highest point.

6.9 This change to the massing remains articulated both by the introduction of recessed balconies at roof level and the introduction of a green wall. Notwithstanding the contribution toward the sustainability credentials of the proposal discussed further below, this intervention is considered to be commensurate with the contemporary design - subject to conditions relating to the detail of any associated fixtures and fittings, species and maintenance.

6.10 It is acknowledged that the design and finish - in particular, of the Armitage Road elevation - would be distinct from that of the three other corner properties around the junction. It should be noted however, that there is no absolute uniformity of design. For example, No 49 does not (or no longer) benefit from a canopied entrance in the side elevation. Nor does it feature a regular eave and wall dormer, instead displaying a hipped gambrel roof and pronounced rear gable. As it is reflected across the pair and its neighbours (Nos 51-53), it is indicative of the fact that this corner has always stood apart from the greater degree of conformity evident in the other three properties.

6.11 The introduction of lightwells to the front has been established by the extant consent. As a result of the amendments, they would be of the same minimum depth and narrower in profile. Details of boundary treatments and landscaping will be reserved by condition.

6.12 Under the approved scheme, the rear of the site (other than the access to the car lift) was proposed to be given over to landscaped communal amenity space. Under the proposed revisions, the total area of amenity space has been reduced to provide for a surface-level car park (with private amenity space being afforded to each unit in lieu - see also Paras 6.21-6.22 below).

6.13 However, the revised layout would retain c50sqm of landscaped amenity space, whilst the replacement parking area will be laid with grasscrete as part of the landscaping scheme - details of which remain reserved by condition. Notwithstanding the comparison to the approved scheme, the revised proposal is still considered to represent a marked enhancement upon the existing rough hard-landscaping which services the current surface car parking at the rear.

6.13a The site is currently enclosed by way of a standard domestic boundary fence and gates. This approach will be reflected in the final approval, continuing to mitigate the contribution to the public realm as per both the existing situation and the extant approval.

6.14 With regard to the above appraisal, the context for design provided by Para 127 of the NPPF (2019) is that whilst it should be "sympathetic to local character and history" it should not prevent or discourage "appropriate innovation or change", whilst Paragraph 131 demands that "great weight should be given to outstanding or innovative designs which promote high levels of sustainability...so long as they fit in with the overall form and layout of their surroundings".

6.15 In that respect, whilst the architectural detailing of the proposed revisions represents an undeniably distinct and contemporary approach, the building will retain the overall characteristics of the approved scheme and surrounding area - namely the massing, tiled roof scape and symmetrical design of the front elevation, orientation onto Woodstock Road and relationship with the building line along Armitage Road. This approach is further enabling of a significant improvement in the environmental credentials of the development - discussed further below - alongside the efficient use of land in an accessible location as accepted by the previous approval.

6.16 It is considered that this approach also remains consistent with the expectations of Policy DM01 - the preamble to which confirms that "contemporary design may be appropriate provided it has regard to the local context" whilst "meet[ing] the highest standards of energy efficiency and minimise carbon emissions" (Para 2.21). With corresponding regard therefore to Paragraph 130 of the NPPF, "where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development".

Amenity of Future Occupiers

6.17 All of the 9no proposed units continue to provide considerably in excess of the Gross Internal Area (GIA) set out in Table 3.3 pursuant to Policy 3.5C of the London Plan (2016) and DM02(6) of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) - including a three-fold increase in the size of Unit 9.

6.18 In addition, the proposed amendments increase the proportion of glazing afforded to a number of rooms (again, most notably Unit 9), increasing the quantity of daylight/sunlight

and quality of outlook afforded to future occupiers - in accordance with the expectations of Table 2.4 of the LB Barnet: Sustainable Design & Construction SPD (2016)

6.19 The principle of locating habitable rooms at basement level looking out onto lightwells has been established by the extant parent permission. The lightwells are of an equivalent minimum depth to those previously approved.

6.20 The additional habitable rooms introduced at basement level to the rear also benefit from the same arrangement. It is acknowledged that these rooms will be north-east facing however, the use (as bedrooms) and secondary nature of the accommodation they provide (not a principal living space or master bedroom) is considered to render this acceptable.

6.21 One significant amendment to the approved scheme is with regard to the distribution of amenity space. With regard to the expectations set out in Table 2.3 of the LB Barnet: Sustainable Design & Construction SPD (2016), provision is now proposed in the following schedule:

	Required	Provided	Shortfall
Unit 1	35sqm	35.1sqm	
Unit 2	35sqm	35.1sqm	
Unit 3	35sqm	35.38sqm	
Unit 4	35sqm	36.27sqm	
Unit 5	25sqm	16sqm	9sqm
Unit 6	25sqm	27sqm	
Unit 7	25sqm	11sqm	14sqm
Unit 8	25sqm	26sqm	
Unit 9	35sqm	46.2sqm	
Sub-Total			23sqm
Communal		50sqm	
Total Provision			+27sqm

6.22 As a result of the proposed reconfiguration, every unit will be provided with a quantum of private amenity space - representing an improvement on the approved scheme.

Amenity of Neighbouring Occupiers

6.23 The amendments are not considered to materially affect the residential amenity of neighbouring occupiers compared to the existing approval. Highways and parking matters are discussed separately below.

6.24 The effect of the changes will be to realise only 1no additional bedroom and 3no additional (potential) residents - principally a result of the increase in the size of Flat 9. This is considered unlikely to be discernible within the context of the existing approval.

6.25 The corner location limits the impact on No 45 (across Armitage Road) and Nos 50-52 (opposite) - to which the existing relationship (in terms of separation distance and the use of unobscured habitable room windows) will pertain. This is particularly the case following the deletion of balconies previously proposed to the side elevation - as proposed under the interim application 18/3948/S73.

6.26 The principal impact would be with regard to the experience of the property from No 51. However, again, the depth of the proposed new building at ground and upper floor levels is comparable to the approved scheme. Whilst the number and scale of balconies has been increased, these are to be surmounted with 1.7m high obscure glazed screens to their flank

elevation, preventing any horizontal or backward line of sight into the rear windows or near garden area of No 51. They will also be off-set from the common boundary, further limiting their impact on the outlook from therein.

6.27 Furthermore - with regard to the scheme proposed under 18/3948/S73 - a 5m wide buffer zone of amenity space has been created at the rear of the site between the common boundary and the surface parking area. Details with regard to the air source heat pumps and boundary treatments will be reserved by condition.

6.28 In light of the above, the proposed amendments are considered to maintain a comparable impact upon the residential amenity of neighbouring occupiers to the approved scheme - in line with the expectations of Policy DM01(e) of the LB Barnet: Local Plan (Development Management Policies) DPD (2012).

Parking

6.29 The proposal incorporates a reduction in the number of vehicle parking spaces from 17no to 9no, though retains a minimum of 18no cycle spaces (discussed separately below).

6.30 On the basis of the approved schedule of accommodation (8no x 3-bed; 1no x 2-bed), with reference to Policy DM17(1)(g) of the LB Barnet: Local Plan (Development Management Policies) DPD (2012), parking provision would fall within the range of 9no and 13.5no spaces.

6.31 The site benefits from a PTAL rating of 5/6a - pitching it at the top of the range. On that basis, the scheme would be expected to provide toward the bottom of the range.

6.32 The proposed parking provision falls within the range as referred to in Policy DM17 and this - combined with a legal agreement to restrict future occupiers from obtaining on-street parking permits - is considered to be acceptable.

Access & Highway Safety

6.35 The approved scheme was initially refused consent by the LPA on the grounds that the proposed single-vehicle-width access arrangement to the car lift would present a detrimental risk to the safety of highway users - through vehicles obstructing the carriageway.

6.36 In determining that appeal, whilst it was accepted that there would be an element of additional risk, it was considered that it was not of a level sufficient to justify refusal (Para 17 of the Decision Letter) and that, in any event, "the existing vehicular access arrangements from Armitage Road are at least as likely to produce temporary delays when vehicles have to park on the highway whilst gates are opened" (Para 15).

6.37 Therefore, in the context of both the appeal decision and the existing situation, the proposed two-vehicle-width point of access (notwithstanding the proposed new gates, details of which remain reserved by way of condition) is considered to represent an improvement in the arrangement of safe access and egress from and onto the highway - consistent with the expectations of Policy DM17(a).

Refuse & Recycling Storage

6.38 The amended scheme proposes a comparable provision to the approved scheme - being 2no 1100L Eurobins - enabling the separate collection of refuse and recycling. The proposed bin store has been relocated from the south-western to south-eastern boundary

however, remains proximate to the vehicular entrance. As such, this is considered to remain acceptable.

Cycle Storage

6.39 The scheme has been amended both as a result of the proposed changes to the basement level excavation and during the process of pre-application discussions. As a result, the south-western corner of the site at the rear has been proposed to accommodate a minimum of 18no secure cycle spaces in horizontal racks. With regard to the expectations of Table 6.3 pursuant to Policy 6.9B(a) of the London Plan (2016), this arrangement is considered to be appropriate in terms of provision, scale, siting and access. Details remain reserved by Condition 7 of the parent permission (APP/N5090/W/15/3003500) as amended.

Landscaping

6.40 Details of the final scheme of landscaping and means of enclosure remain reserved by Conditions 9, 13 & 18 of the parent permission (APP/N5090/W/15/3003500) as transposed and will be subject to further consideration before discharge. However, in principle and with regard to the context established by the approved scheme, the proposed distribution of hard and soft landscaping indicated on the Proposed Site Plan D-101 Rev C is considered to be acceptable.

Sustainability

6.41 The development is proposed in part as an exemplar of a carbon reduction scheme. This is derived from a combination of measures including:

- A reduction in amount of soil to be excavated (reducing the number of journeys to transport materials to landfill - a minimum rate of c300g CO₂ per km)
- A reduction in the amount of structural concrete required (at a rate of c237kg CO₂ per cubic metre of concrete)
- Permanent annual CO₂ saving from removing the need to mechanically ventilate a basement parking area
- No need to operate a car lift
- Amendments to the roof to incorporate photovoltaic panels
- Introduction of a 'living wall' to the Armitage Road elevation (helping to regulate the temperature of the building and contribute to CO₂ absorption)
- Incorporation of a Mechanical Ventilation with Heat Recovery (MVHR) system
- Provision of electric vehicle charging points
- Increase in glazing (to reduce reliance upon the use of artificial light)
- Significant upgrade in building specification (including fabric)

6.42 With regard to the above range of factors, the scheme is anticipated to achieve a reduction in emissions relative to the Target Emissions Rate (TER) of at least 30%. This is considered to be an improvement on expectations for a development of this size. Conditions securing the proposed improvement upon TER - together with details of the air source heat pumps, solar panels and living wall - are proposed.

7. Response to Public Consultation

7.1 The majority of objections with regard to character and appearance, use, amenity and parking have been addressed in the above report.

7.2 Objection was raised with regard to the potential for further future sub-division of the property. However, this is not within the scope of the application to consider. Notwithstanding that, any further sub-division of any of the flats would - by virtue of the

provisions of Section 55(3)(a) of the Town & Country Planning Act 1990 (as amended) - constitute development, for which express planning permission would be required and the LPA would retain governance.

7.3 Concern was also raised that the development may lead to subsidence. However, this is not a planning matter. A grant of planning consent does not however, obviate the need for the Applicant to seek compliance with any other consent or obligation enforceable under any other legal framework.

7.4 Objection was raised with regard to the potential for construction related traffic and disruption. A condition relating to the production of a detailed Demolition, Construction & Traffic Management Plan has been approved (under grant of consent 17/8174/CON) and would be transposed from the extant approval.

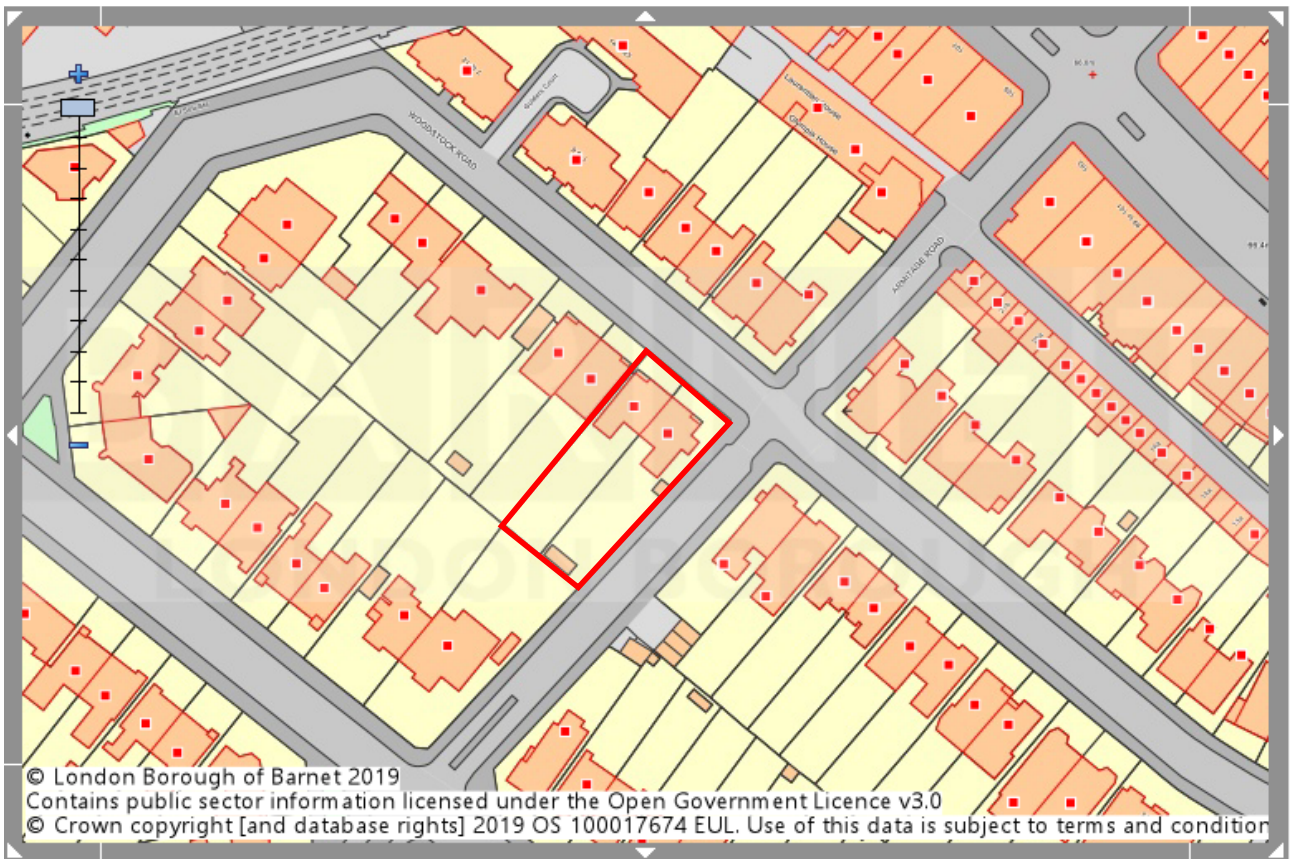
7.5 Comment has also been raised with regard to the absence of Affordable Housing. However, this scheme results in the formation of only 9no units gross. As such, the requirement to provide a contribution toward affordable housing - set out under Policy DM10 - is not triggered.

8. Equality and Diversity Issues

8.1 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.

9. Conclusion

9.1 In light of the above appraisal and within the context of the previous approval, it is considered that the proposed surface level parking solution and corresponding internal and external alterations to the design of the replacement building would remain appropriate with regard to both the character and appearance of the host property and street-scene and the amenities of future and neighbouring residents. This application is therefore recommended for APPROVAL - subject to the re-imposition of conditions as accordingly revised and the completion of a legal agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to restrict the access of future residents to on-street parking permits.



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Location **Millers Yard Long Lane London N3 2QG**

Reference: **18/5511/FUL**

Received: 11th September 2018

Accepted: 25th September 2018

Ward: West Finchley

Expiry 20th November 2018

Applicant: Miss Lisa Cheung

Proposal: Erection of single storey extension adjacent to units 9-18 following the demolition of existing garages numbered 24-28

AGENDA ITEM 19

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 her 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:

EX.01 (Location Plan & Block Plans)

EX.01 (Existing Plan)

EX.02 (Existing Elevations)

P.01 C (Proposed Plan)

P.02 C (Proposed Elevations)

Planning Statement

Planning Statement Addendum (dated 15/03/2019)

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 dust, noise and vibration 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 Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 5 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.

- 6 a) Prior to the installation of any extraction and ventilation equipment to be installed on the site, a report shall be submitted 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 2016) and Policy 7.15 of the London Plan 2016.

- 7 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 garage units; as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

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

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

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

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

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

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 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.

- 3 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.

Officer's Assessment

1. Site Description

The application site, known as Millers Yard, is an existing commercial premises located behind the residential properties along Long Lane, Claverley Villas and Claverley Grove.

The site is in use as a vehicle repair and storage workshop. The site comprises of a variety of building types with a larger 1.5-storey, pitched roof building located centrally within the site. Around the rear and side boundaries of the site, there are blocks of single-storey garages.

The site is accessed via an existing entrance in Long Lane.

The site is located within the West Finchley Ward. The site does not fall within a conservation area.

2. Site History

Reference: F/02118/14

Address: Millers Yard, Long Lane, London, N3 2QG

Decision: Approved subject to conditions

Decision Date: 24.06.2014

Description: Demolition of Units 4-8 and 19-23. Front extension to Units 13-18 and increased height. Associated re-arrangement to parking layout, including additional parking.

Reference: F/01967/14

Address: Millers Yard, Long Lane, London, N3 2QG

Decision: Prior Approval Required and Approved

Decision Date: 23.05.2014

Description: Demolition of units 4-8 and 19-23.

Reference: F/04215/10

Address: Millers Yard, Long Lane, London, N3 2QG

Decision: Approved subject to conditions

Decision Date: 09.12.2010

Description: Raising the roof height by 1.5m to the front elevation of existing four garages.

Reference: F/00564/10

Address: Millers Yard, Long Lane, London, N3 2QG

Decision: Approved subject to conditions

Decision Date: 26.03.2010

Description: Raising of height of existing commercial single storey building to accommodate new first floor in roof space, with associated alterations to roof including rooflights to rear elevation.

3. Proposal

The application seeks the demolition of the detached existing block, comprising of units 24-28 on the eastern side of the site. It is proposed to erect a replacement block along the rear boundary of the site, adjoining to units 9-18.

The proposed block would have a monopitch roof which would be lower at the rear of the building, rising to the front. The block would be constructed in materials to match the existing buildings.

The proposed block would comprise of two elements:

- Provision of similar sized units adjacent to No.9 which would have a height of approx. 4m at the rear rising to approx. 4.6m. The building would be aligned within the existing units;
- Provision of a 14m in length building with a height of approx. 4m at the rear, rising to 5.5m.

The proposal was amended during the application to include the following changes:

- Reduction of the depth of the block and siting of proposed building 1m away from the neighbouring boundary with Claverley Grove;
- Provision of new landscaping along the eastern boundary with No.30 Long Lane.

Following the deferral of the application from the Finchley and Golders Green (FGG) Area Planning Committee on 12/02/2019, additional information has been provided to address the request of the committee members. The details submitted include:

- Clarification of existing and proposed floorplans;
- Schedule, size, density, height of proposed landscaping along the side boundary;
- Provision of management plan for the proposed use of the replacement building.

4. Public Consultation

The application was deferred at the FGG committee meeting on 12/02/2019 in order for clarification and additional information to be submitted.

Consultation letters were sent to 149 neighbouring properties.
13 responses have been received, comprising 14 letters of objection.

The objections received can be summarised as follows:

- Further intensification of the site and activities;
- Height of the building is larger than single storey;
- Increased noise and disturbance;
- Impact of air pollution;
- Loss of light to properties to the rear;
- Sense of enclosure;
- Commercial vans parked in residential spaces on the street;
- Increase volume of traffic;
- New turning area will result in more vehicles using the area;
- No benefit to community;
- Loss of trees

Following the submission of amended plans, the proposal was subject to a period of re-consultation. 10 responses have been received, comprising of 10 letters of objection.

The objections can be summarised as follows:

- Loss of Privacy;
- New landscaping will not provide any benefit;

- Impact on highway safety;
- Additional noise and disturbance;
- Loss of residential amenity;
- Impact of building height

Since the deferral from the previous committee, there has been 1 letter of objection received.

The objection can be summarised as follows:

- Concern that areas of both the existing building and the proposed building were only approximate; true figures are 113.12sqm of the existing building and proposed building measures 143.61sqm. Increase of 30.49sqm.

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, CS13, CS15
- Relevant Development Management Policies: DM01, DM02, DM04, DM14, DM17

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 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; and
- Highways matters.

5.3 Assessment of proposals

Impact on the character and appearance of the existing site and surrounding area

The site is an established commercial use for vehicle repair and storage. The proposal is to demolish an existing tired block and erect a new block to continue the existing use and services currently offered. The applicant states that the proposal seeks to improve the existing cramped layout of the site and improve the movement within the site. The proposal will allow the applicant to undertake work on larger vehicles, including vans, more efficiently and effectively.

The measurements of the existing building are: 118.7sqm GEA and 107sqm GIA.
The measurements of the proposed building are: 143.6sqm GEA and 129sqm GIA.

The increase is therefore 24.9sqm (20.9%) in Gross External Area and 22sqm (20.5%) in Gross Internal Area.

The proposed demolition of the existing building is considered to be acceptable. The replacement block is considered to be of a scale and design which is reflective of the existing buildings on-site. The height of the proposed block is comparable to those on site and is not considered to be out of scale with the surrounding area. Overall, this increase is not considered to be significant.

Impact on the living conditions of neighbouring residents

As already stated, this is an existing use, where the proposed replacement building will represent a fairly small increase in the built form. The applicant states that there will be no material change to the use of the site or the services offered. By reconfiguring this part of the site, the applicant states that movement within the site will be much easier, resulting in the reduced need for multiple movements within and in / out of the site.

The Council's Environment Health service has reviewed the proposal and raises no objection subject to the imposition of conditions relating to land contamination, demolition and construction, air quality and noise.

The applicant has provided details of a management plan as to how the proposed use of the building would be operated. The hours of use would remain as per the current operating hours:

08:00 to 18:00 Monday to Friday and 08:00 to 14:30 on Saturdays.

The proposed nature of works to be carried out within the existing site are the same as what is currently carried out on site. The replacement building will allow for more room to carry out work, especially on larger vehicles which can be done more easily. However, work on larger vehicles is already undertaken on site, but with more difficulty due to the siting of the existing building. The majority of works are to be carried out inside the building and the garage doors will be closed when work is being done inside the new building.

Concerns have been raised in relation to the position and size of the buildings and impact on privacy, light and enclosure of the surrounding properties. Along the rear boundary, the proposal would be no higher than the existing buildings along the boundary and revised plans have been submitted to move the new building 1m off the immediate boundary. This amendment and the design and shape of the roof is considered to be satisfactory and is not considered to detrimentally harm the amenity of neighbouring properties to the rear along Claverley Grove.

The letters of objection had also raised concerns that the re-arrangement of the site, and opening-up the site further, would result in increased pollution and noise transferring along to the properties in Long Lane to the east. These matters would be considered in the reports requested by Environmental Health and the applicant would have to consider the air quality and noise generated by the activities on site. These reports would need to be assessed by the EH Officer and formally approved in writing. In order to help mitigate these areas, a new landscape buffer between the site and No.30 Long Lane is proposed. Whilst the current plans illustrate this projecting along the length of the new building, Officers consider that this could be appropriately extended along the side boundary towards the entrance of the site. The applicant has provided further details of the type of landscaping to be planted along the boundary to include fast growing plants which will have heights of 3-4.5m and will provide soft screening of the proposed building.

Matters relating to hours of use of the site, excessive noise, alarms and air quality arising from the existing site are noted but the use itself is not the subject of this application. Some of the matters can be controlled under separate legislation. It is considered that the use of the site following the erection of the replacement building would not have a significantly greater impact on neighbouring amenity than the existing.

Highways Matters

The Council's Traffic and Development service has reviewed the proposal and taking into account the modest increase in size and the continuation of use and operators, it is not considered that the proposal represents an intensification in use and the level of trip generation and vehicular movements that would result in a perceived increase. The Highway's Officer notes the concerns relating to the increase in size of the development, but the operational space increase is marginal.

The location of the new blocks will not impact on the operational space of the development and vehicles will be able to enter and exit the site in a forward gear. The proposed layout of the development will provide a larger area for manoeuvring or parking within the site.

Overall, the proposal is not considered to generate a significant negative impact on the performance and safety of the surrounding highway network or its users. The Highways Officer raises no objection to the application.

5.4 Response to Public Consultation

The concerns raised with the letters of objection have been addressed within the report.

The proposal is not considered to have a harmful effect on existing trees.

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. The modest increase of operational space is not considered to result in significant highway impacts. This application is therefore recommended for approval.

Location Creighton House Creighton Avenue London N2 9BE

Reference: 19/0622/FUL

Received: 4th February 2019

Accepted: 4th February 2019

Ward: East Finchley

Expiry 1st April 2019

Applicant: Mr Joseph O'Donovan

Proposal: Front facade alterations comprising conversion of two windows into patio doors, repositioning and replacement of the main entrance door, re-rendering, removal of rear metal staircase and installation of the protective canopy along the 2nd floor access balcony. Creation of refuse/recycling store, cycle store. Installation of new automatic vehicular and resident entrance gate

AGENDA ITEM 20

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:

Location Plan (Drawing No.359A/100 Rev 00),
Site and landscaping plan as existing (Drawing No. 359A/101 Rev 00),
Site and landscaping plan as proposed (Drawing No. 359A/102 Rev 00),
Ground floor plan as existing (Drawing No. 359A/110 Rev 00),
Ground floor plan as proposed (Drawing No. 359A/111 Rev 00),
Roof plan as existing (Drawing No. 359A/112 Rev 00),
Roof plan as proposed (Drawing No. 359A/113 Rev 00),
Front elevations 01 & 02 as existing (Drawing No. 359A/120 Rev 00),
Rear and side elevations 03 & 04 as existing (Drawing No. 359A/121 Rev 00),
Rear and side elevations 05, 06 & 07 as existing (Drawing No. 359A/122 Rev 00),

Front elevations 01 & 02 as proposed (Drawing No. 359A/123 Rev 00),
Rear and side elevations 03 & 04 as proposed (Drawing No. 359A/124 Rev 00),
Rear and side elevations 05, 06 & 07 as proposed (Drawing No. 359A/125 Rev 00),

Bicycle shed as proposed (Drawing No. 359A/130 Rev 00),

Bin enclosure as proposed (Drawing No. 359A/131 Rev 00),
Main entrance door as existing (Drawing No. 359A/132 Rev 00),
Main entrance door and gate as proposed (Drawing No. 359A/133 Rev 00),
Vehicular side gate as proposed (Drawing No. 359A/134 Rev 00),
Top balcony canopy as proposed (Drawing No. 359A/135 Rev 00),

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 be as specified in the submitted documents.

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

Informative(s):

- 1 In accordance with paragraphs 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 applicant is advised to consult with the Fire Authority to ensure compliance.

Officer's Assessment

The application has been called to Committee by Councillor Mitra.

1. Site Description

The application relates to a 3no. storey purpose built block flats on the north-east side of East Finchley High Road on the junction with Creighton Avenue within the East Finchley ward. To the north of the application site is Grade II Listed East Finchley Library and to the east of the application site is Grade II Listed East Finchley Baptist Church Hall. The application site is not listed and does not fall within a designated conservation area.

2. Site History

Ref: 18/6401/FUL

Address: Creighton House Creighton Avenue London N2 9BE

Decision: Refused

Reason: The proposal, by reason of the size, scale, siting and design of the refuse store within close proximity to the site boundary with the pedestrian footway on High Road would introduce an alien feature within the front amenity area, which would be highly visible from the public realm and appear visually awkward within the context of the application site to the detriment of the visual amenities of the wider street scene 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).

Decision date: 21 December 2018

Description: Front façade alterations comprising conversion of two windows into patio doors, repositioning and replacement of the main entrance door, re-rendering, removal of rear metal staircase and installation of the protection canopy along the 2nd floor access balcony. Creation of refuse/ recycling store, cycle store. Installation of new automatic vehicular and resident entrance gate. New decking area and timber fence.

3. Proposal

- Alterations to the front façade to replace existing (2) window openings into patio doors;
- Repositioning and replacement of the main entrance door;
- Re-rendering, removal of rear metal staircase and installation of the protective canopy along the 2nds floor access balcony;
- Creation of refuse/recycling store, cycle store;
- Installation of new automatic vehicular and resident entrance gate
- New decking area and timber fence

4. Public Consultation

Consultation letters were sent to 41 neighbouring properties.

1 response has been received from a resident on the following grounds:

Loss of an emergency staircase

Councillor Mitra has referred the application to committee on the grounds that the loss of the rear fire stairs would impede and make harder fire safety, and evacuating the building. In the aftermath of Grenfell, the necessity for two fire escapes is all the more important, and their removal would not comply with fire safety regulations.

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 19 February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted 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.

Sustainable Design and Construction SPD (adopted 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

The scheme seeks planning consent for external alterations to the existing purpose-built block of flats, which would involve the replacement of 2no. existing window openings on the south west elevation on High Road into single patio doors.

A new timber decking area at the front (3no. in total) within the existing front lawn amenity would respectively serve the 3no. ground floor units on the south-east elevation and each measure a footprint of less than 3.0sqm. A 1.10m high timber fence (2no. in total) would partially subdivide the existing green front amenity space to provide separate amenity spaces for the ground floor occupiers. The timber decks and associated low timber fences within the front lawn amenity is considered to break up the open space to provide a more private area for the ground floor residents.

At present, the entrance double doors on Creighton Avenue sit within the principle front wall and involve a canopy approx. 1.30m forward of the access double doors, which is enclosed at the sides and open at the front. The scheme seeks the replacement and repositioning of the recessed entrance double doors on Creighton Avenue to enclose the existing canopy.

To the rear, removal of the rear metal staircase and installation of a protective canopy along the 2nds floor access balcony is proposed. The canopy would comprise of a 16mm triplewall polycarbonate roofing sheet clear with schuco roof powder coated aluminium painted black and extend rearwards from the existing rear eaves line approx. 2.30m over the 2nd floor access balcony.

Re-rendering of existing rendered parts of the elevations is also proposed.

New boundary treatments are proposed comprising installation of 1no. new automatic vehicular black steel resident entrance gate between existing brick piers on the south west boundary with the pedestrian footway on High Road approx. 10.50m width x 1.80m height and 1no. new black steel resident gate between existing brick piers on the north-east boundary with the pedestrian footway on Creighton Avenue approx. 3.40m width x 1.20m height.

Creation of a cycle store at the rear (out of view of the public realm) and on the common boundary with East Finchley Library to the north of the application site is proposed for the storage of 12 bicycles by way of an enclosure approx. 1.50m width x 6.370m depth x 2.20m height constructed from treated external grade timber frame and western red cedar slats cladding and 12mm WBP ply internally.

The south west principle elevation of Creighton House is set back approx. 8.50m from the common boundary with the pedestrian footway on High Road, therefore allowing an expanse of front lawn amenity clearly visible from the public realm. Considering its orientation on a busy thoroughfare, the space about the property provides a sense of openness. At present, approx. 10no. 240ltr refuse bins are sited on the common boundary with East Finchley Library to the north of the application site which are highly visible from the public realm. The scheme involves the creation of a refuse store for the storage of 13no. 240ltr bin containers and 3no. 1100ltr containers by way of an enclosure approx. 7.450m (max. depth) x 3.585 (max. width) x 2.20m (max. height) constructed from treated external grade timber frame and western red cedar slats cladding within the front lawn amenity in close proximity (approx. 0.40m) to the front boundary with the pedestrian footway on High Road. Given the semi open nature of the enclosure, bins would still be publicly visible particularly when approaching the site from the north east and north west on High Road however would not extend considerably higher than the existing front boundary hedging with the pedestrian footway on High Road. Its proximity within 10m of the public highway would provide convenient and facilitated access to refuse personnel on collection days.

The above described alterations are considered to not give rise to any undue impact upon the visual amenities of the wider streetscene and the character and appearance of the host building and local context.

The scheme is considered to not prejudice the residential amenities of neighbouring occupiers in respect of loss of light, outlook and privacy and is therefore acceptable in this regard.

5.4 Response to Public Consultation

The objection raised in concern of the loss of the emergency metal staircase at the rear of the application site is not a material planning concern and in respect of safety, is covered by building regulations. However, the applicant has confirmed that a dry riser is to be installed and the proposals have received consent from an Approved Building Inspector.

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

For the reasons highlighted above, the application is recommended for approval.

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LOCATION PLAN

00 01.02.19 PLANNING

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Job title
 CREIGHTON HOUSE - N2 9BE
 LONDON

Drawing title
 LOCATION PLAN

Status
 PLANNING

Scale	Date	Drawn	Checked
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