

MEETING

HENDON AREA PLANNING COMMITTEE

DATE AND TIME

WEDNESDAY 13TH JUNE, 2018

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG

TO: MEMBERS OF HENDON AREA PLANNING COMMITTEE (Quorum 3)

Chairman: Councillor Brian Gordon LLB
Vice Chairman: Councillor Elliot Simberg

Councillor Gill Sargeant Councillor Golnar Bokaei	Councillor Ammar Naqvi Councillor Helene Richman	Councillor Nizza Fluss
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Substitute Members

Val Duschinsky
Zakia Zubairi
Alex Prager

Charlie O-Macauley
Lachhya Gurung

Mark Shooter
Linda Freedman

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

Andrew Charlwood – Head of Governance

Governance Service contact: Faith Mwende Faith.Mwende@barnet.gov.uk 020 8359 4917

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	MINUTES	5 - 10
2.	ABSENCE OF MEMBERS (IF ANY)	
3.	DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)	
4.	Report of the Monitoring Officer (If any)	
5.	Addendum (if applicable)	
	Mill Hill Ward	
6.	127 The Broadway London NW7 3TJ - 18/1288/FUL	11 - 26
7.	St Vincents Catholic Primary School The Ridgeway London NW7 1EJ - 18/1518/FUL	27 - 40
	West Hendon Ward	
8.	14 Rundell Crescent London NW4 3BP - 18/1606/FUL	41 - 58
9.	27 And 29 Neeld Crescent London NW4 3RP - 18/1327/FUL	59 - 80
	Hendon	
10.	366 Watford Way London NW4 4XA - 18/0289/HSE	81 - 90
	Hale	
11.	Land Rear Of 18 Maxwelton Close London NW7 3NA - 18/1077/FUL	91 - 110
12.	SweetTree Fields Marsh Lane London NW7 4EY - 17/7627/RCU	111 - 130
13.	Any Item(s) the Chairman decides are urgent	

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Decisions of the Hendon Area Planning Committee

24 April 2018

Members Present:-

AGENDA ITEM 1

Councillor Brian Gordon (Vice-Chairman)

Councillor Claire Farrier
Councillor Sury Khatri
Councillor Agnes Slocombe

Councillor Hugh Rayner
Councillor Gill Sargeant

Apologies for Absence

Councillor Maureen Braun

CHAIRMAN'S DECLARATION

As the Committee Chairman, Councillor Braun was not present Vice-Chairman, Councillor Gordon chaired the meeting.

At 10:00pm the Council's Constitution, Article 7.26 and Article 7.27 on Suspension of business at Committee and Sub-Committee meetings was invoked.

Article 7.26 outlines that no business at any meeting of a Committee or Sub-Committee shall be transacted after 10 pm and any business transacted after that time shall be null and void.

While Article 7.27 states that at any meeting of the Council, Planning Committee and Area Planning Committees, the Chairman at their sole discretion may extend the period for the transaction of business to 10.30pm. The Chairman extended the period in accordance with Article 7.27.

1. MINUTES

RESOLVED that the minutes of the meeting held on 13th March 2018 be approved as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

Apologies were received from Councillor Maureen Braun who was substituted by Councillor Mark Shooter.

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

Councillor Khatri and Councillor Rayner declared a non-pecuniary declaration as they know the applicant of 101 station road.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

The Committee noted the addendum.

6. 2 SOUTHFIELDS NW4 4ND - 17/6846FUL

The planning officer introduced the report which related to 2 Southfields.

A representation in objection to the application was heard from Nicole Davila and Ulla Chisholm.

An oral representation was made by the applicant's Architect.

Following discussion of the item, Councillor Farrier moved a motion, that was seconded by Councillor Khatri, to add an additional condition excluding permitted development rights for extensions. The committee voted as follows:

For - 5
Against - 1
Abstain – 0

The motion was therefore carried.

Councillor Khatri moved a motion that was duly seconded to add an informative for that this permission only applied where the property was used as a single-family dwelling house. The committee voted as follows:

For - 5
Against - 1
Abstain – 0

This motion was therefore carried.

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

Votes were recorded as follows:

For - 3
Against - 3
Abstain – 0

Chairman used his casting vote to vote in favour of the officer recommendation to approve the application.

The Committee therefore **RESOLVED to APPROVE** the application, subject to the conditions as per the officer's report and the additional condition and informative.

7. FLAT 3 43 SUNNY GARDENS NW4 1SL - 17/5349/FUL

The planning officer introduced the report which related Flat 3, 43 Sunny Gardens Road.

An oral representation was made by the applicant agent.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to conditions in the report, but with deletion of condition 2.

Votes were recorded as follows:

For - 5
Against - 1
Abstain - 0

The Committee therefore **RESOLVED to APPROVE** the application, subject to the conditions as per the officer's report and the deletion of condition 2.

8. 366 WATFORD WAY NW4 4XA - 18/0289/HSE

The planning officer introduced the report which related 366 Watford Way.

A representation in objection was heard from Dr Jeannette Antonian.

Following discussion of the item, the Councillor Farrier moved a motion to defer the item for a site visit to view the impact of the proposals on the neighbouring dwellings. The motion was seconded by Cllr Sargeant.

Votes were recorded as follows:

For - 3
Against - 3
Abstain - 0

Chairman used casting vote to vote for a deferral.

The Committee therefore **RESOLVED to DEFER** the application for a site visit.

9. 18 BIRKBECK ROAD NW7 4AA - 17/5114/HSE

The planning officer introduced the report which related 18 Birkbeck Road.

An oral representation was made by the applicant agent.

Following discussion of the item, Councillor Khatri moved a motion that was seconded by Councillor Sergeant to add an informative that this permission will only apply where the property is in use as a single-family dwelling house, this was unanimously agreed.

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

Votes were recorded as follows:

For - 6
Against – 0
Abstain - 0

The Committee therefore **RESOLVED to APPROVE** the application, subject to the conditions as per the officer's report.

10. 1-6 GARAGES WILLOW COURT HA8 8AG - 17/6695/FUL

The planning officer introduced the report which related 1-6 garages Willow Court.

A representation in objection was heard from Ms Ingrid Beal.

An oral representation was made by the applicant.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to conditions in the report.

Votes were recorded as follows:

For - 4
Against – 2
Abstain - 0

The Committee therefore **RESOLVED to APPROVE** the application, subject to the conditions as per the officer's report.

11. 185 EDGWAREBURY LANE HA8 8QJ - 18/1133/HSE

The planning officer introduced the report which related to 185 Edgwarebury Lane.

A representation in support was heard from Mr Gil Barel.

An oral representation was made by the applicant.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to refuse the application for the reasons in the report.

Votes were recorded as follows:

For - 3
Against – 3
Abstain - 0

The Chairman used his casting vote to vote against the officer recommendation to refuse the application.

As a consequence of the vote the Chairman moved a motion, that was seconded by Councillor Shooter to approve the application for the following reasons

The development was not obtrusive and was consistent with surrounding homes.

The Committee also agree the following condition. The development must be in accordance with approved plans. The development must commence within 3 years. The development must match materials, there shall be no flat roof and no side windows.

Votes were recorded as follows:

For - 3
Against – 3
Abstain - 0

Chairman used his casting vote to vote in favour of the application.

The Committee therefore **RESOLVED to APPROVE** the application, subject to the conditions above.

12. 101 STATION ROAD NW4 4NT - 18/0227/RCU

The planning officer introduced the report which related 101 Station Road.

A representation in objection was heard from Mr Larry Abel and Mr Marun Matin.

An oral representation was made by the applicant agent.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to conditions in the report.

Votes were recorded as follows:

For - 3
Against – 2
Abstain - 1

The Committee therefore **RESOLVED to APPROVE** the application, subject to the conditions as per the officer's report.

13. 24 CHARCOT ROAD - 17/7421/FUL

The planning officer introduced the report and addendum which related 24 Charcot Road.

A representation in objection was heard from Dr Naomi Attar and in support from Mr Ayo.

An oral representation was made by the applicant.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to conditions in the report and addendum.

Votes were recorded as follows:

For - 6
Against – 0

Abstain - 0

The Committee therefore **RESOLVED to APPROVE** the application, subject to the conditions as per the officer's report.

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

The Chairman, Councillor Gordon, proposed a Vote of Thanks to the Committee Chairman, Councillor Braun. The Committee unanimously agreed the Vote of Thanks to the Chairman.

The Committee also thanked all Officers and Councillors.

The meeting finished at 10.30 pm

Location 127 The Broadway London NW7 3TJ

Reference: 18/1288/FUL

Received: 27th February 2018

Accepted: 2nd March 2018

Ward: Mill Hill

Expiry 27th April 2018

Applicant: MKJ Property Holdings Limited

Proposal: Change of use from a former bank (Class A2) to a hot food takeaway (Class A5) Installation of extraction and ventilation equipment. Alterations to fenestration (amended description).

AGENDA ITEM 6

Recommendation: Approve subject to conditions

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

- 1 The premises shall be used for A5 (Hot food Takeaway) and for no other purpose (including any other purpose in Class A5 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.

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

Location Plan
Received 2 March 2018

Proposed Ventilation System Document B10027-AEW-PJ002011-XX-SP-0001
Dated 15.02.2017

Proposed Ventilation System Document B10027-AEW-PJ002011-XX-SP-0002
Dated 14.02.2017

Purified Air Specification and Defra Report Dated 14 February 2018
Received 27 February 2018

Plant Noise Assessment Report 18/0120/R1
Received 13 April 2018

Block Plan Drawing No B10027-AEW-P J002011-XX-DR-0006 Rev C
Existing Elevations Drawing No B10027-AEW-P J002011-XX-DR-0002 Rev A
Existing GA Plan Drawing No B10027-AEW-P J002011-XX-DR-0001 Rev A
Proposed Elevations Drawing No B10027-AEW-P J002011-XX-DR-0004 Rev A
Proposed GA Plan Drawing No B10027-AEW-P J002011-XX-DR-0003 Rev A
Driver Delivery Management Plan
Waste Management Plan
Land Use Plan Drawing No P17-2390_03

Received 25 April 2018

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

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

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

- 4 The 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).

- 5 The use hereby permitted shall not be open to members of the public before 11am or after midnight on Thursdays, Fridays and Saturdays or before 11am or after 11pm on Mondays, Tuesdays, Wednesdays, Sundays and Bank and Public Holidays.

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

- 6 No deliveries shall be taken at the site on any Sunday, Bank or Public Holiday or before 9am or after 6p.m. on any other day.

Reason: To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day 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) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development,

including a technical report have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed using anti-vibration mounts. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

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

- 8 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 A5 use; as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

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

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

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

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

- 10 Before the development commences details of the refuse storage and collection arrangement, including the storage and disposal of all oils, fats, liquids and food wastes arising out of the cooking premises shall be submitted to and agreed by the Local Planning Authority.

Reason

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

- 11 Before the permitted development is occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and agreed by the Local Planning Authority. This shall include details of the deliveries and servicing to the property, where vehicles will park in making deliveries and the hours/days which this will take place as well as the management and arrangement of deliveries to customers.

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

- 12 There shall be no deep fat frying on the premises.

Reason: 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).

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The 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 Please supply the following information for all extraction units (including air conditioning, refrigeration):

1. The proposed hours of use of the equipment.
2. The sound pressure levels of the ventilation/ extraction system to be installed in decibels dB(A) at a specified distance from the equipment.
3. Details of where the equipment will be placed i.e. within or outside of the building, marked on to a scale map.
4. Details of silencers to be fitted, and other sound insulation measures to reduce any noise impacts on neighbours including their noise reduction in dB(A).
5. Distance away from noise sensitive premises and the nature of these premises e.g.: offices, housing flats or storage

Officer's Assessment

1. Site Description

The application site comprises a two-storey bank (Class A2) at the junction of The Broadway and Goodwyn Avenue. The site was formally occupied by Lloyds but is currently vacant and has been since October 2016. The upper floor is in use as residential accommodation (Class C3).

The site is located within the Mill Hill Town Centre. The site is also located within the designated Primary Shopping Frontage.

The site is not within a Conservation Area nor is the site a Listed Building.

2. Site History

Reference: 18/2022/ADV

Address: 127 The Broadway, London, NW7 3TJ

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Installation of 2no internally illuminated fascia signs and 1no internally illuminated hanging sign

Reference: H/01163/13

Address: Lloyds Bank, 127 The Broadway, London, NW7 3TJ

Decision: Approved subject to conditions

Decision Date: 16 April 2013

Description: Replacement of 8no. existing signage including 2no. internally illuminated fascia signs; 2no. internally illuminated hanging signs; 1no. internally illuminated ATM surround and 3no. information signs.

Reference: W04616F/06

Address: 127 The Broadway, London, NW7 3TJ

Decision: Approved subject to conditions

Decision Date: 8 January 2007

Description: Internally illuminated fascia signage and projecting box-sign.

Reference: W04616D/02

Address: 127 The Broadway, London, NW7 3TJ

Decision: Refused

Decision Date: 31 March 2003

Description: External disabled access ramp.

Reference: W04616E/02

Address: 127 The Broadway, London, NW7 3TJ

Decision: Approved subject to conditions

Decision Date: 12 December 2002

Description: Installation of internally illuminated signage around existing ATM.

3. Proposal

The proposal is for a change of use from Bank (Class A2) to a hot food takeaway (Class A5). The proposal also includes installation of an extraction and ventilation equipment.

The proposal is for a new pizza operator to occupy the site.

The proposed hours of use are 11 am to midnight on Thursdays, Fridays and Saturdays and 11am to 11pm on Sunday to Wednesday.

4. Public Consultation

Consultation letters were sent to 126 neighbouring properties.

70 responses have been received, comprising 70 letters of objection. One objection has been made on behalf of the Mill Hill Preservation Society.

The objections received can be summarised as follows:

- No need for more pizza takeaway business or another fast food operation. The Broadway needs more retail and better quality eating establishments.
- Noise and disturbance for neighbours particularly as the business will be open 7 days a week.
- Odours and cooking smells will be detrimental to residential units above and beside the site due to the position of kitchen extract fans discharging below the first floor windows.
- Negative impact on parking and increased risk of accidents with people stopping off and bikes pulling away. This site is adjacent to a busy junction.
- The proposal will change the character of the building which was built in 1925 on a corner of residential street. This is an inappropriate development of this landmark building. Signage will be needed which will detract from this beautiful building. The extraction and ventilation equipment detracts from the appearance of the building.
- This development of low end restaurant chains are attracting crime to the area and increasing rates of obesity
- A change of use from A1 to A3 was refused previously which would have been more supported.
- Increased litter and unsightly industrial bins which will add to environmental issues as there is already a regular hotspot for fly tipping outside the current car park.

The proposal was re-consulted following receipt of additional and amended information including the waste management plan, delivery management plan and plant noise report.

A further 24 objections were received. Many of these were follow up comments to earlier submissions. Additional matters raised are:

- The plant noise report refers to 2 storeys above. The property has only one residential storey above the ground floor. This lack of clarity and attention to detail casts doubt on the accuracy of the report.
- A report was added onto the public site and then taken down.
- Issues with the methods used by the applicant to assess the noise and odour impacts to residential properties.
- Concern over the location of the bin stores next to amenity areas and the use of the rear carpark.

Internal consultations

Environmental Health: The odour control system is suitable for a pizza takeaway.

The plans show that noise attenuator (silencers) will be installed and that the extract system will be on anti-vibration mounts. Consider noise and odour from this proposal will not cause

detriment to amenity to residential neighbours provided conditions are adhered to. Recommended conditions to be included.

Highways: Highways have assessed the proposal and have no objections to the change of use.

The application has been called in by Councillor Farrier due to concerns about the nuisance it may cause to residents.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

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

Barnet's Local Plan (2012)

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

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

Policy DM11 Development principles for Barnet's town centres states the Council will expect a suitable mix of appropriate uses as part of development within the town centres to support their continued vitality and viability.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of change of use
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality including the Town centre.
- Whether harm would be caused to the living conditions of neighbouring residents.
- Parking and Highways
- Refuse and Recycling

5.3 Assessment of proposals

- Principle of change of use

The proposal seeks the introduction of a Hot food takeaway (Class A5) to the primary shopping frontage of the Mill Hill Town Centre. Policy CS6: Promoting Barnet's Town Centres outlines the significance of town centres as a crucial indicator of the overall economic health and suburban success of the borough.

DM11: Development principles for Barnet's town centres; states that the Council will expect a suitable mix of appropriate uses within the town centres. The policy explicitly states that proposals which reduce the combined proportion of Class A1 (Retail) use at ground floor level in the primary frontage below 75% will not be permitted. However the current use of the site is a bank (Class A2) and therefore the proposal would not result in a reduction of A1 uses within the Primary Shopping frontage.

Policy DM11 also confirms that proposals should not create an over-concentration of similar uses which detracts from the retail function of the town centre. The supporting text to Policy DM11 does not set out any specific guidance on when an unacceptable over-concentration may occur however refers to where a presence of three or more non A1 uses would occur that this would be resisted. The applicant has stated that the neighbouring site is a A3 use and the neighbouring property to that is an A1 use. Therefore, there are not 3 adjacent non A1 uses in a row. Furthermore, the current lawful use of the property is A2 and therefore is already a non-retail use and this proposal does not change that. The addition of a hot food takeaway is not considered to create an over concentration of Use Class A5. It is noted that public comments were received that there is no demand for an additional A5 use or takeaway. However, Council cannot control the market in respect of cuisine but can influence the proportions of uses within a town centre to preserve and protect the dominant function. The property is currently vacant and its proposed use as an A5 would activate a dormant building, support employment and contribute to the vibrancy of the Mill Hill town centre. The planning system is confined to managing uses within the constraints of the use class system and cannot control one type of class A5 over another.

The supporting text for the policy states that 'appropriate town centre uses expected to locate within the town centre boundary include retail, leisure, entertainment facilities, more intensive sport and recreation uses, offices and arts, culture and tourism development.' Use class A5 is identified as a typical high street use (as is the current A2 use of the property). The text comments that the above are uses which will be more acceptable in a town centre location because of the transport impact that they create from their use and the contribution they make to the success of the town centres.

The introduction of a hot food takeaway at the site is considered to provide a positive contribution in providing a greater diversity of offerings for local residents which will in turn contribute to the vitality and vibrancy of the town centre. The policy refers to evening economy uses and that these will be expected to not adversely affect the amenity of local residents and be in keeping with the scale and character of the surrounding area. Planning conditions can be appropriate to manage the hours of operation, noise and fumes from machinery and storage and disposal of refuse to mitigate any potential impacts of these uses. The proposed A5 use considered an appropriate use within the town centre and complies with the policy DM11.

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

With respect to the visual appearance, the proposal involves some alteration to the external fenestration of the building and the introduction of ventilation and extract equipment.

At the front of the property, the only external change is for the customer entrance door. The customer entrance will be located in the same opening, facing The Broadway. The door will be a new frameless glazed entrance door with full height PPC handles on either side. A number of existing windows will be made opaque glazing to provide for toilet areas and three small windows in the rear elevation will be removed and openings infilled to match the existing elevation.

An extract duct will run from the oven in the cooking and preparation area towards the rear (western) elevation of the building. It will terminate via a louvred grille at the rear elevation which will be approximately 650mm by 650mm in size. The fresh air duct will also terminate via a louvred grille at the rear of the building, measuring 550mm by 550mm. There will be 3 floor mounted compressors. The grilles are limited in size and positioned in the rear wall to avoid being prominent.

Owing to the sites corner location, the rear of the site is visible and the plant equipment and refuse storage in the rear yard will be visible. However this site is in a Town Centre location and the presence of bins and plant machinery is not unexpected. Other neighbouring sites would also contain similar equipment.

A separate application is pending for the signage proposed at the site. All matters relating to the visual appearance of the signage will be addressed in that application.

The external changes are not considered to harm the visual appearance of the building. The building is an attractive building but is not listed.

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

The proposal was reviewed by Environmental Health officers. Officers assessed the reports submitted with the application and have advised that the odour control system is suitable for

a pizza takeaway. However officers raised concerns that should any deep fat frying take place then it will not be sufficient. The applicant has confirmed that no deep fat frying will take place and a condition will be recommended to ensure compliance with this.

An extract duct will run from the oven in the 'bake and serve' to expel from the rear wall in the yard area. It will terminate via a louvred grille measuring 650mm by 650mm. The plans show that noise attenuator (silencers) will be installed and that the extract system will be on anti-vibration mounts. The system is fitted with a carbon filtration system to ensure that the air which is expelled is as clean as possible. Environmental Health officers consider that noise and odour from this proposal will not cause detriment to amenity to residential neighbours provided the system is installed correctly and regularly maintained, and that it does not in the future become a different type of hot food takeaway (eg Chinese, Indian, Chicken, fish and chips or anything requiring deep-fat frying). This can be conditioned through appropriate restrictive conditions.

The applicant has provided a plant noise assessment which demonstrates that provided acoustic attenuation measures are included, the noise emissions from the plant equipment will be kept to an acceptable level and will cause no adverse impact on the nearest noise sensitive properties. In response to the concerns of the public, the applicant has also proposed a delivery management plan which sets out that only electric mopeds will be used within the rear yard. These measures are supported.

Environmental Health reviewed the information provided. Officers advised that the noise report uses the lowest measured background noise levels to set noise criteria for the plant to be installed (fans and condenser units). Mitigation in the form of silencers and enclosures will be required to reduce noise levels to the Council's standard requirements. Examples of this mitigation have been provided. Officers would recommend imposing a number of conditions, so that the actual noise mitigation measures that will be installed are provided. It is also important to impose a sound insulation condition as this is to address noise from within the premises affecting the residents living directly above.

In summary, Environmental Health have recommended a number of conditions regarding the extraction and ventilation equipment and noise levels. These conditions are expected to be sufficient to ensure the proposed development does not adversely affect neighbouring amenities.

The delivery management plan restricts vehicles using the rear yard to electric mopeds to prevent idling of engines. Noise and smell from engines can be disturbing so this is supported.

The proposed opening hours within a town centre location are appropriate in comparison to other businesses in the area and will not cause any unacceptable late night noise disturbance.

-Highways

The proposal was assessed by the Highways department. Highways did not raise any objection with the proposal.

A number of public comments were received concerning the impact of the development on highways and parking in the area. It is acknowledged the site is adjacent to a busy roundabout.

The applicants planning statement makes an assessment that any expected parking demand would be met by the existing on street parking surrounding the site. There is a yard area to the rear of the site which can be accessed directly off Goodwyn Avenue. The applicant proposes that this area will be utilised as parking for delivery drivers of the takeaway. However, as set out within the delivery driver management plan, the proposal is that this area will only be used by electric mopeds to reduce any potential for noise and disturbance from the delivery vehicles.

The applicant intends that the majority of delivery drivers will be able to park in the off-street parking area to the rear of the site. The remainder of the drivers would make use of the surrounding on-street parking opportunities. There is restricted on-street parking along The Broadway, allowing for parking up to 30 minutes between 9am to 5.30pm Monday to Saturday. There are also restricted on-street spaces to the rear of the site, on Goodwyn Avenue. The hot food takeaway would likely be busiest outside of the time when the on-street spaces are restricted, i.e. during the early evening.

In terms of customer parking, the site is in a highly sustainable location and a number of customers would either walk to the site from the surrounding residential areas or collect their orders as part of linked trips to the town centre. The applicants proposal is that the majority of customers will use the delivery service. For customers driving to the store to collect orders, they will use the surrounding on-street spaces.

Appropriate weight should also be given to the lawful use of the site and the 'fall-back' position. The application site is lawfully a Class A2 bank and could be used as a Class A1 shop without the need for planning permission (as well as a bank). A Class A1 shop would generate a similar amount of vehicle movements and parking demand as the proposed hot food takeaway use and this needs to be taken into consideration in assessing the merits of this proposal.

The proposed use is not considered to have a harmful impact on traffic and pedestrian safety in the area.

Notwithstanding the details of the delivery management plan provided, a condition is recommended to require a full delivery and servicing plan to be submitted for approval.

- Refuse and Recycling

The scheme drawings show the location of 2 x 1100 litre Euro-bins to be stored in the rear yard.

The rear area is considered to be of sufficient size and easily accessible from the public highway by those charged with collecting waste from the premises. Nevertheless, provision for the storage of all waste products associated with the separate uses including the by products of the cooking process will be secured through a planning condition.

A condition requiring a refuse and waste collection strategy is still recommended. The current waste management document does not address the specific measures in place to deal with liquids and oils and other by products of the cooking processes which need to be handled specifically. It also does not detail how much waste is expected to be generated or how recycling, food waste and general waste will be contained and separated.

5.4 Response to Public Consultation

The concerns raised in the comments have been addressed in the assessment above.

Concerns around crime and behaviour are not planning matters.

Refuse collection facilities have been identified and a waste management plan submitted which the applicant will need to comply with.

The LPA can only assess the appropriateness of the change of use. The LPA cannot restrict what particular businesses within a use class should be permitted. Comments were received that there are a number of pizza outlets already in the Broadway but the Council cannot control the market nor what food outlets should operate. Many of the objections appeared supportive of an eating establishment at the site; but not a pizza takeaway.

A report was prepared and appeared on the public site ahead of the intended committee. The item was deferred until a later committee and the report removed. The proposal was re-consulted as additional information was received, and additional comments were considered. The report was revised to take into account the further information and public comments.

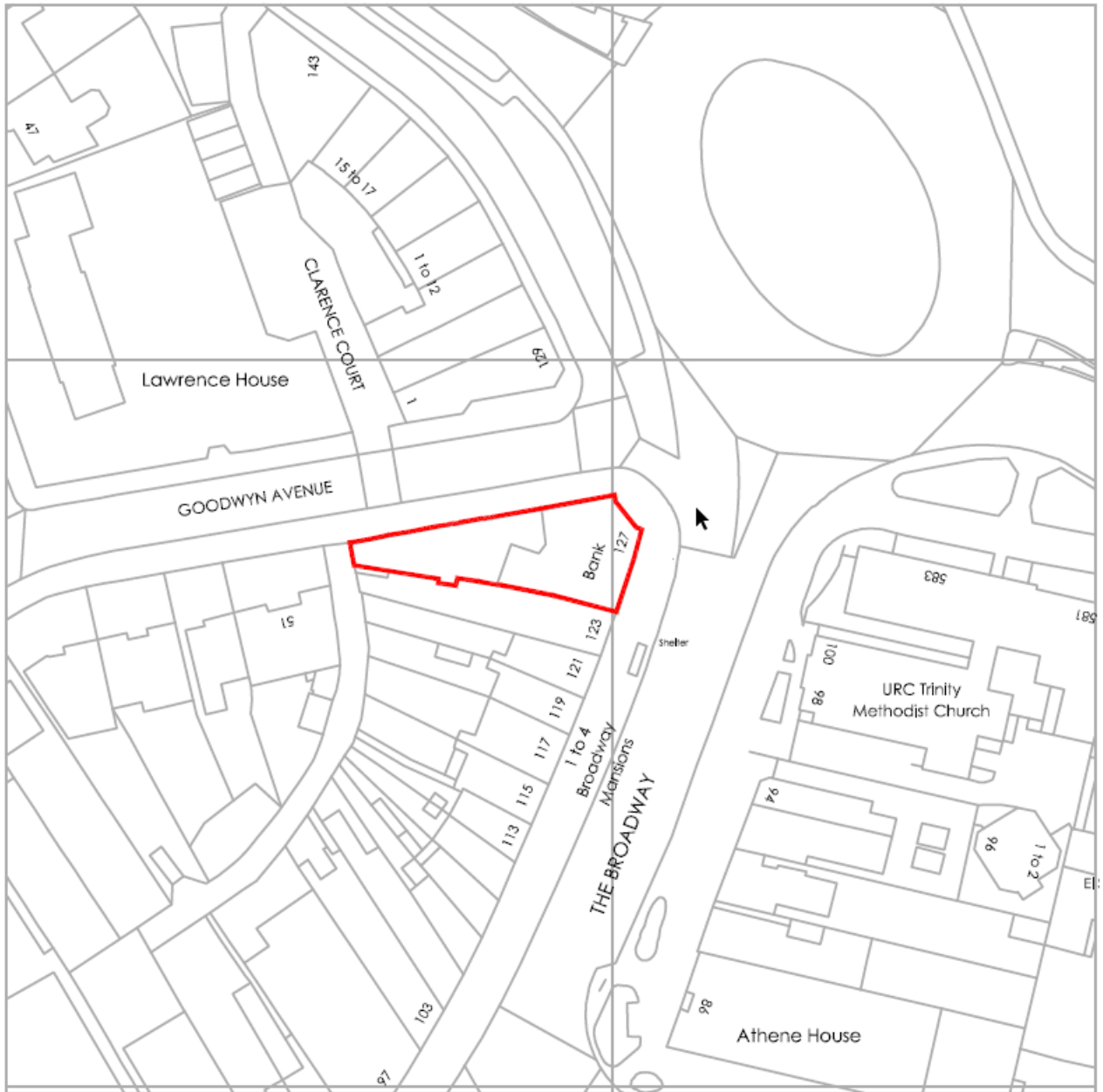
The ownership of the rear amenity space was clarified and the applicant has stated they have ownership of this land. A certificate B was required for the occupiers of the first floor flat. If the residential flat had previously used this rear area it is a civil/property matter to resolve rights over this space.

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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on solutions. To assist applicants in submitting development proposals, the Local Planning Authority 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 sought formal pre-application advice which was provided. Unfortunately the submitted 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

The application has been called in to committee by Councillor John Hart for the following reason:

That the proposed changes for which planning permission is sought would enhance the school's ability to provide a full range of facilities for its pupils and the wider public outweighing the harm that officers have identified.

1. Site Description

The application site relates to part of the St Vincent's Catholic Primary School grounds. The site adjoins the end of Woodcote Avenue and is also bounded by the Milesplit Hill Cemetery, the Mount School in Mllespit Hill and The Ridgeway to the north. The area is currently open space within the school curtilage which is accessed via the school site. The land rises significantly from the south to its northern boundary with The Ridgeway. The site falls within the Drivers Hill site of Importance for Nature Conservation (SINC). The site is also located in a conservation area and falls within the green belt.

2. Site History

Reference: 16/3776/FUL

Address: St Vincents Catholic Primary School, The Ridgeway, London, NW7 1EJ

Decision: Withdrawn

Decision Date: 29 September 2016

Description: Alterations to existing car park including repositioning of netball courts. Provision of 20 no. parking spaces, cycle and refuse storage, new vehicle gate and new vehicular access

Reference: TCF/0365/16

Address: St Vincents Catholic Primary School, The Ridgeway, London, NW7 1EJ

Decision: Application Received

Decision Date: No Decision Made.

Description: Please see drawing BA/P16-217/103, , Removal of trees and hedgerow to enable suitable, safeguarding and access for pedestrians to the school.

Reference: 17/1204/FUL

Address: St Vincents Catholic Primary School, The Ridgeway, London, NW7 1EJ

Decision: Refused

Decision Date: 2 May 2017

Description: Improvements to the school grounds to create level areas to be used for outdoor sports, growing fruit and vegetables, informal recreation and general outdoor education and play

Reference: 17/1222/FUL

Address: St Vincents Catholic Primary School, The Ridgeway, London, NW7 1EJ

Decision: Approved subject to conditions

Decision Date: 16 June 2017

Description: Enlargement of the car park using existing hard surfaces. Installation of new pedestrian gates within school grounds. Relocation of bike/ scooter store to pedestrian access side. Relocation of bin store. Resurfacing of footpaths

Reference: 17/4339/CON

Address: St Vincents Catholic Primary School, The Ridgeway, London, NW7 1EJ

Decision: Approved

Decision Date: 9 August 2017

Description: Submission of details of conditions 3 (Materials) 5 (Vehicle Charging Points) 6 (Car Parking) pursuant to planning permission 17/1222/FUL dated 16/06/17

Reference: 18/3201/FUL

Address: St Vincents Catholic Primary School, The Ridgeway, London, NW7 1EJ

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Replacement of the existing fencing with 2100m close board timber panels.
Replacement of existing emergency vehicular gates

Reference: H/05420/14

Address: St Vincents Catholic Primary School, The Ridgeway, London, NW7 1EJ

Decision: Approved subject to conditions

Decision Date: 23 December 2014

Description: Single storey extension.

Reference: H/02976/11

Address: St Vincents Catholic Primary School, The Ridgeway, London, NW7 1EJ

Decision: Approved subject to conditions

Decision Date: 4 October 2011

Description: Erection of a new bike shed.

Reference: W02529L/03

Address: St Vincents Catholic Primary School, The Ridgeway, London, NW7 1EJ

Decision: Approved subject to conditions

Decision Date: 16 April 2003

Description: Installation of new netball / tennis court and vehicular crossover.

Reference: H/02094/09

Address: St Vincents Catholic Primary School, The Ridgeway, London, NW7 1EJ

Decision: Approved subject to conditions

Decision Date: 17 August 2009

Description: Erection of a polytunnel on school playing fields.

This application (18/1518/FUL) is a resubmission of planning application 17/1204/FUL which was refused for the following three reasons:

- 1 In the absence of up to date protected species surveys and relevant steps of protection and with no analysis of cross soil contamination, it is not considered the sufficient information has been submitted to demonstrate that existing biodiversity will be protected and as a result there is potential for the proposed development to result in a loss of biodiversity within the site and loss of habitat to protected species. The scheme would be contrary to policy DM16 and policy 7.19 of the London Plan.
- 2 The changes to the levels of the land and associated development would be out of character with the natural setting of the site and would erode the landscape character of the area to an unacceptable degree contrary to Policies CS NPPF, CS1 and CS5 of the Barnet Adopted Core Strategy (2012), Policy DM01 of the Adopted Development

Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2013).

- 3 Insufficient information has been provided in relation to the proposed drainage of the site and in the absence of sufficient detail the drainage strategy is considered to be inappropriate and contrary to Policy DM04 of the Adopted Barnet Development Management Policies DPD (2012).

3. Proposal

The proposed application relates to alterations to school grounds to create level areas to be used for outdoor sports, horticultural activities, informal recreation and general outdoor education and play.

Across the site, land levels will be changed with a building-up of the existing land levels to create areas of level ground. Within these areas, the application proposes the creation of an irrigation pond, produce growing areas and outdoor teaching spaces to the west and a multi use sports field to the east.

A new gravel pathway will link the main school site with the sports pitch and a new grass pathway will be sited around the perimeter of the site and will link the various uses together. Access will be retained from the existing main school site. It is noted that there is an existing access point, however, this area is not currently used other than for occasional classes to support the schools education in horticulture and the natural environment.

4. Public Consultation

Consultation letters were sent to 51 neighbouring properties.

385 responses have been received, comprising 189 letters of objection, 193 letters of support and 1 letter of comment.

The objections received can be summarised as follows:

- Increased floodrisk, changes to drainage, existing drainage system will not be able to cope. Existing known problems with flooding.
- Increased risk of subsidence
- Impact on natural beauty of the area
- Negative impact on Conservation Area
- Impact on wildlife, trees, flora and fauna, will result in harm to natural habitat, will result in loss of planting
- Overshadowing to neighbouring residents.
- Sports facilities already available at Copthall and Powerleague - unnecessary development.
- Increased traffic and parking stress on surrounding streets
- Landfill will never be acceptable even if for a short duration.
- Impact on greenbelt, will be a repeat of Hasmorean
- School should do more safety and security checks on people entering the education system.
- The proposal should be located closer to the main school building particularly if there is an emergency
- Concerned about the amount of landfill required and the number of lorries delivering this which would cause major disruption. Works will go on for months. Unsustainable amount of traffic, dumping of toxic waste

- Flood lights and noise would impact on residents of Woodcote Avenue.
- Two existing ponds within 10 minutes of the site and therefore no need to provide new pond in the school site.
- Increased noise and disturbance
- Too much development already in the area. Area has changed dramatically
- Increased traffic on Salcombe Gardens and Woodcote Avenue
- Eyesore, raised pitch will be a blight on natural landscape
- Landfill is damaging to the environment
- Footpath is shown from Woodcote Avenue in the floodrisk assessment.
- National grid pipeline should be notified
- Old people are not considered in the proposal

The support received can be summarised as follows:

- Enhanced learning for children, enhanced school facilities.
- Increased sports facilities.
- Benefits to local community and school children.
- Improvements to ecology and horticulture
- Children will be closer to nature, better physical fitness
- Area is currently unused and as such this will bring a suitable use to the site.
- Will make a nice change from technology focussed proposals.
- Little impact on the surrounding area.
- Will prevent housing proposal like others in the immediate area coming forward for this land.
- New revenue stream for the school.
- Help with children's mental health
- Temporary disruption will be minor in comparison to the benefits

It should be noted that a number of support letters received are from children/teachers attending the school.

National grid - no objections

Sport England - no objections

Ecology consultant - no objections

Drainage consultant - no objections

It should be noted that additional consultation was carried out to address the concerns of the public that the consultation on the application was not sufficient. An additional site notice was erected on the nearest lamppost to the site on Woodcote Avenue to notify residents of Woodcote Avenue of the application. The consultation undertaken for the application included a press notice advertised in the local paper; a site notice on The Ridgeway outside the school entrance and notice on Woodcote Avenue. Consultation letters were sent out on a 75m radius, the radius was taken from the perimeter of the site to capture those most closely located to the site. In the interests of clarity it should be noted that when taking the radius for consultation this is taken from the site edge and not from the actual school building accordingly the consultation radius captured a substantial number of properties on Woodcote Avenue in addition to properties on The Ridgeway and Milesplit Hill.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

The London Plan 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, DM15.

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 ecology of the site.
- Whether harm would be caused to the drainage of the site
- Whether harm would be caused to the character and appearance of the site, the Mill Hill Conservation Area and the Greenbelt;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

Background of application

Planning permission has previously been sought and refused under planning application 17/1204/FUL. The application was refused for the following reasons:

In the absence of up to date protected species surveys and relevant steps of protection and with no analysis of cross soil contamination, it is not considered the sufficient information has been submitted to demonstrate that existing biodiversity will be protected and as a result there is potential for the proposed development to result in a loss of biodiversity within the site and loss of habitat to protected species. The scheme would be contrary to policy DM16 and policy 7.19 of the London Plan.

The changes to the levels of the land and associated development would be out of character with the natural setting of the site and would erode the landscape character of the area to an unacceptable degree contrary to Policies CS NPPF, CS1 and CS5 of the Barnet Adopted Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2013).

Insufficient information has been provided in relation to the proposed drainage of the site and in the absence of sufficient detail the drainage strategy is considered to be inappropriate and contrary to Policy DM04 of the Adopted Barnet Development Management Policies DPD (2012).

Following the previous application, further works have been undertaken to examine the ecology and drainage matters, these are detailed below.

Ecology

The site falls within the Drivers Hill site of Importance for Nature Conservation (SINC) - Borough Importance Grade 2. The citation for the Drivers Hill SINC was notified in January 1997, last edited in January 2006 and last updated in March 2006. The following extracts relate to the landscape characteristics of the SINC.

"The site consist of several fields, some of which are intermittently grazed, and two small areas of Woodland. The grassland contains a fair diversity of grasses and wildflowers, including species typical of old pasture... Wetter areas contain tufted hairgrass... Scrub of hawthorn and elder and bramble is invading the ungrazed fields."

The NPPF includes reference to minimisation of impacts to biodiversity and provision of net gains to biodiversity where possible (paragraph 109) and ensuring that Local Authorities place appropriate weight to statutory and non-statutory nature conservation, and the recovery of priority species.

Paragraph 118 of the NPPF sets out the principles which the Local Authority should apply, including encouraging opportunities to incorporate biodiversity in and around developments, provision for refusal of planning applications if significant harm cannot be avoided, mitigated or compensated for, and the provision for the refusal for developments resulting in the loss or deterioration of 'irreplaceable' habitats unless the need for, and benefits of, the development in that location clearly outweigh the loss. National policy therefore implicitly recognises the importance of biodiversity.

The proposed scheme has been reviewed by Capita's ecology consultant and on the basis of the information submitted are satisfied with the proposal and consider that the application can be supported on ecology grounds. The application has been supported by a phase 1 ecology assessment and with a condition to adhere that the measures recommended in this report are adhered to this proposal is considered to be acceptable. On the basis that additional information has been submitted the proposal is considered to have adequately addressed the previous reasons for refusal. The Adonis phase 1 ecology report should be complied with in particular sections 5.5 and 5.5.1, this requires that a badger survey and assessment to establish their status following clearance of the bramble, this will be carried out in line with the recommendations within the report to reduce the risk of impact on reptiles and other species. The proposal will also ensure adequate mitigation strategies are put in place to protect the slow worm, toads and hedgehog and harvest mice population. In addition impact avoidance measures, ongoing management plan, enhancement suggestions will be implemented and details of these measures can be secured by way of condition.

To prevent any risk of soil contamination on the site, any soil brought to the site will be responsibly sourced to ensure there is no risk of invasive plant species or soil contaminants being brought to the site. The imported soil will be monitored as vegetation develops to ensure any invasive species are spotted early on and are treated to prevent their growth on site. Any soil imported to the site will also be similar in composition to the soil on the existing site and will not be high in nutrients so as to prevent grasses from outcompeting wildflowers.

It is considered that given the support of the consultant ecologist that the application can now be supported on ecology grounds.

Drainage

During the life of the application concerns have been raised by members of the public that the proposal would exacerbate existing drainage problems across the site. Concerns have been raised that the change in levels and the change in use of the land that the site and existing drains currently serving the site will not be able to cope with providing adequate drainage. Video evidence of flooding on the site has been providing to demonstrate the existing situation with concerns that the levelling off of the land would lead to increase surface water runoff into the neighbouring drains on Woodcote Avenue.

The drainage consultants have reviewed the information submitted with the application and have reviewed the concerns raised by members of the public including the video footage and have sought additional information. The additional information included the provision of pre and post-development drainage calculations as per Policy S2 and S4 of the Non-statutory technical standards for sustainable drainage systems (2015). Such calculations should detail how much water is to be retained within the proposed attenuation features (i.e. the proposed pond and swales) and demonstrate a reduction in the peak flow and volume discharging through the culvert towards the south east of the development site. The calculation provided demonstrate that the proposed drainage strategy will actually help to

potentially alleviate existing surface water flooding within the vicinity due to increased attenuation at St Vincent's school field. The incorporation of SUDs to provide additional attenuation within the school site is such that the risk of increased flooding and the harm to the drainage system on Woodcote Avenue will not be impacted by the proposed development.

Impact on the character of the area

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, DM06 CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

The site falls within the Mill Hill conservation area and as such any proposal should preserve or enhance the character of the area.

The site is publically visible from Woodcote Avenue, a residential road that bounds on to the site. The site can be described as having an open verdant character with a natural gradient in the levels of the land with the site sloping down from The Ridgeway and significantly falling towards Woodcote Avenue. This contributes to the natural appearance, which allows views through the MRC from Woodcote Avenue. The site contributes to the identity of this part of Mill Hill Conservation area and the green belt as an area of open space with rich vegetation. The site contributes to the open character of this part of Mill Hill with limited visibility of the school buildings. The proposal will artificially build up the levels of the land and create an area of vegetation, pond and sports pitch. The proposal will result in a form of development that detracts from the existing appearance and character of the area. The proposal is considered to result in harm to the established character of the area. The National Planning Policy Framework, indicates that the character of an area is made up of much more than its physical appearance, but includes how it functions and contributes to local identity and sense of place. Taking account of such considerations, the proposal would breach Policy DM01 to the extent that it would erode the well-established character of a vegetated open space. The proposal will introduce a form of use that will result in a change in the character of the area that is incompatible with the existing character.

All weather sports pitches are inappropriate in a SINC. Its creation will result in a significant area of a protected site that will be permanently unvegetated and would change the character and appearance of the site from an area which makes reference to its historic use as grazing land to an artificially built up area for sporting and recreational use.

This proposal would modify the site contours providing a more evenly rising slope away from the south leading abruptly to a steep embankment which would appear both artificial and incongruous, contrasting harmfully with the surrounding gently rolling landscape. That most of the land filling would be beyond the brow of the hill as viewed from Woodcote Avenue would not overcome the impacts of the development which would be visible from other points.

The levels across the site vary substantially and as such the levelling off of the land to facilitate a new level multi-sports pitch will at its maximum increase the level of the land by 5m. This will require a significant level of soil to be imported and built up and will give an artificial appearance and will result in the loss of the natural topography of the site.

Greenbelt

Section 9 of the National Planning Policy Framework (NPPF) sets out the Government's approach to protecting Green Belt Land, and the Council's Planning Policy DM15 of the Core Strategy reiterates the NPPF's requirements.

The NPPF sets out in Paragraph 80 that the Green belt serves the following principals: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The NPPF requires a determination to be made as to whether development is appropriate within the greenbelt. In cases where development is considered to be inappropriate development (by definition), then 'very special circumstances' would need to be demonstrated. In this case, no very special circumstances have been demonstrated to justify the proposed development. It is not considered that the proposed development result in benefits that would outweigh the identified harm.

There are exceptions to inappropriate development in the greenbelt where the scheme is for the provision of appropriate facilities for outdoor recreation (noting that the proposals are for community use) if these facilities do not conflict with the purposes of including land within it and preserves the openness of the green belt.

There is no definition of openness in the Framework but, in the Green Belt context, it is generally held to refer to freedom from or the absence of development. The importing of a significant amount of inert material would result in an overall increase in the land levels and this would clearly reduce the openness of the Green Belt. The proposal would be contrary to the purpose of the Green Belt to assist in safeguarding the countryside from encroachment which the addition of the inert waste soil would amount to.

Consequently the proposal would be inappropriate development within the Green Belt which would, through paragraph 87 of the Framework, by definition result in harm. The harm caused both through the inappropriateness of the development and the loss of openness to the Green Belt would be significant and to which substantial weight must be given. As such the exceptions given in paragraph 89 do not qualify.

In addition, the proposed works to level the land is considered to be an engineering operation and as such Paragraph 90 of the NPPF would also be relevant. Again, these 'developments' must also preserve the openness of the green belt and it is considered that the works proposed would not be taken to be acceptable in this regard.

The use of the site will be compatible with the purposes of including land in the greenbelt, in addition, it is not considered that the proposal will result in loss of the openness of the greenbelt. Notwithstanding, concerns in regards to the character of the area it is not considered that the application would be harmful in terms of greenbelt.

Impact on the amenities of neighbours

The proposed development will not result in any new buildings, the proposals relate to alterations to the existing landscaping, altering the contours of the land and provision of sports facilities and growing patches. As a result of the type of development the proposal is

not considered to result in harm to surrounding residential occupiers in regards to loss of outlook, light or privacy. The proposals are a sufficient distance from the nearest residential units that the scheme would not prejudice their amenity.

Particular public concern has been raised in relation to the potential for increased traffic and parking congestion on Woodcote Avenue a residential cul-de-sac that adjoins the site. Objections received have raised the point that the site being developed actually relates more closely to Woodcote Avenue than the main school building. It is not proposed that there would be an access point from Woodcote Avenue, with access to the growing area and multi-sports pitch being maintained from the school entrance off The Ridgeway. The facilities will be accessed via a footpath leading from the existing developed part of the school site. It is noted that there will be a maintenance drive which is also to be accessed from the existing school site. On the basis that there is no proposed access point from Woodcote Avenue it is not considered that the use as a sports pitch which will be open to sports clubs on the weekends will increase parking and traffic stress on Woodcote Avenue.

5.4 Response to Public Consultation

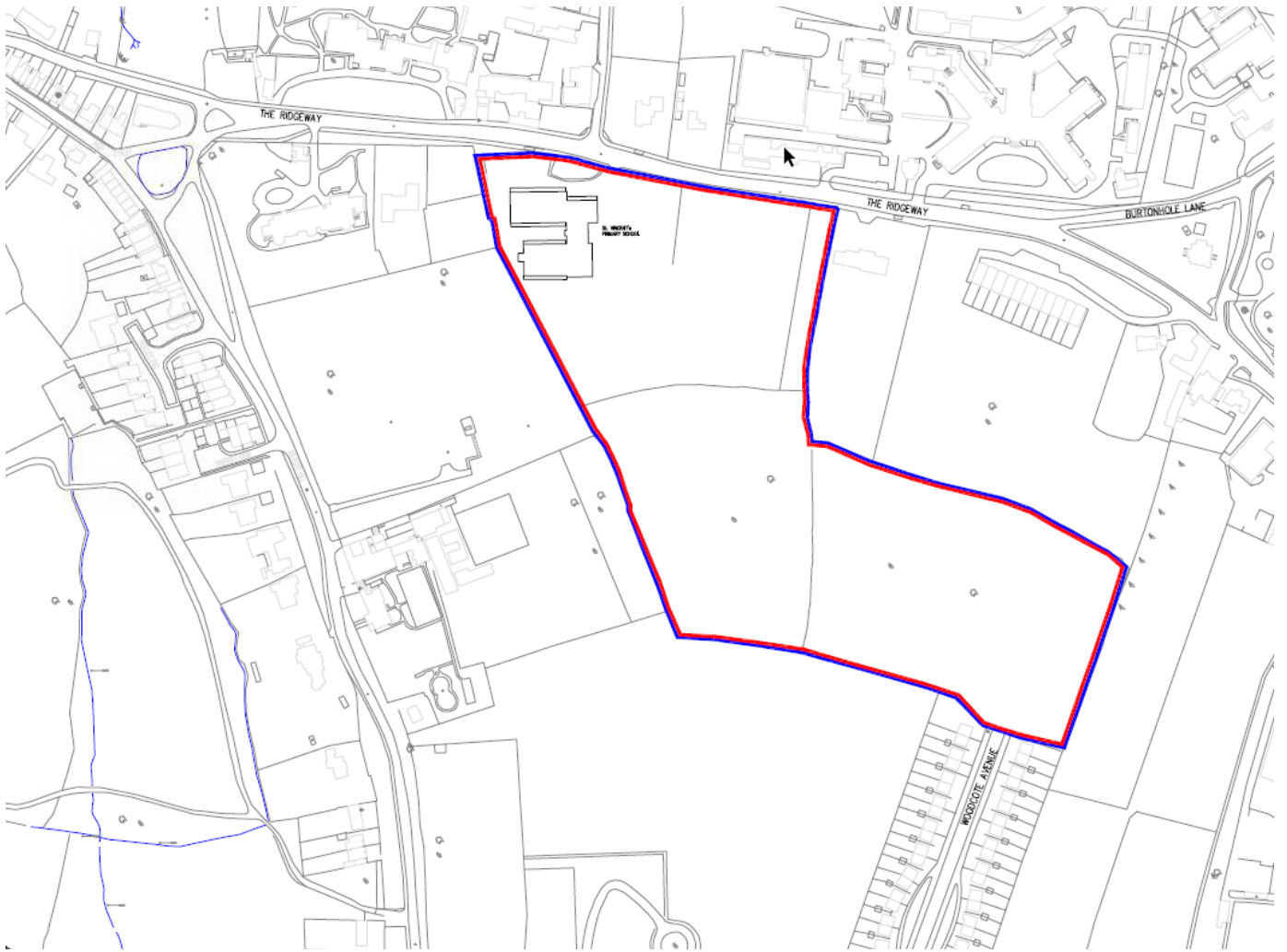
All planning related matters are considered to be covered in the above appraisal.

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 fail to accord with the requirements of the Development Plan and the National Planning Policy Framework and is therefore recommended for refusal.



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Location **14 Rundell Crescent London NW4 3BP**

Reference: **18/1606/FUL**

Received: 13th March 2018

Accepted: 13th March 2018

Ward: West Hendon

Expiry 8th May 2018

Applicant: SHaip Homes Limited

Proposal: Conversion of existing dwelling into 2no semi detached houses including part single, part two-storey side and rear extension following partial demolition of main building and demolition of existing garage. Formation of front bay windows and new entrance. Roof extension involving new side and rear dormer windows, 2no-rooflights to front elevation. Provision of 4no off street parking spaces, refuse/recycling stores associated hard and soft landscaping and amenity space

Recommendation: Approve subject to conditions

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

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

Location Plan

Existing Elevations

Existing Plan

Garden Plan

Received 13 March 2018

Proposed Roof Plan and Section Plans Rev B

Proposed Plans Rev B

Proposed Elevations Rev B

Received 29 May 2018

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core

Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

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

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

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

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

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

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

- 5 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing 12 shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut.

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

- 6 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevation(s), of the extension(s) hereby approved, facing no.12 and 16 Rundell Crescent.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 7 The layout of the residential units as indicated on the hereby approved plans shall be implemented and retained as such thereafter.

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

8 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).

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

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

10 The amenity space shall be implemented and subdivided in accordance with the details indicated on the hereby approved Drawing no. U-SH-PP001 Rev B before first occupation or the use is commenced and retained as such thereafter.

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

11 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, F and G of Part 1 of Schedule 2 of that Order shall be carried out within the site area or building hereby approved.

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

12 The property shall be used as self-contained units as shown in the hereby approved drawings under Class C3(a) and no other purpose (including any other purpose in Class C3 or C4 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 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.

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

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

- 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 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the

applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

- 2 The applicant is advised that 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.
- 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 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.

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

Officer's Assessment

1. Site Description

The application site is located at 14 Rundell Crescent, London, NW4 3BP. This site currently contains a two storey detached dwelling sited on the eastern side of Rundell Crescent. This street is predominately characterised by large detached and link-detached two storey single family dwellings. However, it is noted that this character varies to the north of the application site close to the junction with Watford Way where examples of larger flatted development buildings and a bungalow are observed.

The site is not indicated as being subject to flooding hazard, nor does not contain any listed buildings or protected trees. The site is also not located within a conservation area. There are no other specific matters which could restrict development on the site.

2. Site History

Reference: 18/0731/192

Address: 14 Rundell Crescent, London, NW4 3BP

Decision: Lawful

Decision Date: 16 February 2018

Description: Roof extension including a wraparound dormer window to the rear and both sides. Single storey side and rear extensions following demolition of existing garage

3. Proposal

The applicant seeks planning permission for the conversion of existing dwelling into 2no semi-detached houses including part single, part two storey side and rear extension following demolition of existing garage and removal of rear bay at ground and first floor and formation of front bay window and new entrance. In addition, the proposal would include a roof extension involving side and rear dormer windows. 4no off street parking spaces would be provided, and refuse/recycling stores with associated hard and soft landscaping and amenity space for each dwelling.

The front elevation is proposed to be extended to create a symmetrical frontage with one entrance and bay windows to both sides. At ground floor level, the front bay would match the existing bay near the boundary with no.12 and include a new entrance which would be centrally located. The bay window at first floor level would also match the existing bay on the property in its projection. The property is extended through a two storey side extension with a width of 2.2m.

At the ground floor rear, the extension would have a projection 4 metres from the existing rear wall, along the boundary with 12 Rundell Crescent. The ground floor has a width of 10 metres, incorporating the existing ground floor rear projection and the side extension. The ground floor is set away 1.5 metres from the boundary with 16 Rundell Crescent.

The ground floor extension would have a flat roof with an eaves height 3m from the raised patio. The raised patio does not increase in depth from existing.

There is a central bay first floor rear extension proposed which has a depth of 2.5 metres from the existing rear elevation and a width of 7 metres. The flank wall of the first floor rear extension would be sited approximately 3 metres from the boundary with 16 Rundell

Crescent and 1.5 metres from the boundary with 14 Rundell Crescent. The first floor bay has a crown roof with a height to the eaves of 5.8 metres and total height to the top of the crown roof of 7 metres.

A dormer in each side elevation and two rear dormers are proposed. The side and rear dormers would have a width of 2.1 metres and height of 1.7 metres.

The first floor rear bay was reduced in width and depth following comments from the case officer that the first floor rear bay was overly dominant and contrary to guidance. The layout in the first floor was also revised by the applicant to relocate the bathroom and study.

4. Public Consultation

Consultation letters were sent to 135 neighbouring properties. 7 responses have been received, comprising 7 letters of objection.

The objections received can be summarised as follows:

- Similar schemes have been approved in the area but this should not set a precedent to further destroy the road.
- One single entrance does not hide the fact that the property will be semi-detached. The parking and refuse requirements will clearly show this is two houses.
- loss of front garden
- parking in the front garden is an eye sore
- concern for the tree to the front of the property and loss of parking on street
- this proposal adds to the population and there is already pressure for community facilities, schooling, social provisions and transport
- extension will block views
- noise and disturbance as a result of construction
- the site is overdeveloped and the extensions are too large
- the proposal to create a semi-detached house is not in keeping with the street.
- parking is already difficult in the area
- loss of mature trees
- the building should be considered for listing
- impact on wildlife

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'.

The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

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

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

The London Plan 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.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17.

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the development would provide suitable amenity for future occupiers;
- Impact on Highways;
- Sustainability.

5.3 Assessment of proposals

Principle of development

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

The Council recognises that additional units through the subdivision of existing plots can make an important contribution to housing provision, and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

It is noted that the predominant character in this street is link-detached dwellings. The recognition of this has been considered in the principal elevation of the dwelling, which does not take the form of two clearly distinct semi-detached dwellings through the use of a single entrance way.

The proposed treatment to the front courtyard area seeks to introduce landscaping along the front of the building. In addition, due to the layout of the parking spaces and introduction of the landscaping (secured through a condition) it is not considered that subdivision of the plot at the front would be overtly visible.

The Council does not object in principle to the development proposed on the application site. The site will remain residential in nature and thus be consistent with the predominant

use of this street. Therefore, the proposed development would not adversely impact the character of the street or wider area. Further, it is noted that the proposal will result in a net gain of 1 residential dwelling which will contribute positively to the Council's housing targets within the borough.

It must be emphasised that planning permission was granted at the neighbouring property no.16 Rundell Crescent in 2016 under reference 16/3037/FUL, for the conversion of existing dwelling into 2no semi-detached houses including associated extensions and at no.4 Rundell Crescent in 2017 under reference 17/2288/FUL for a very similar scheme.

Impact on the character of the area

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

The Council's SPD 'Residential Design Guidance' states that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. The Council's guidance advises that extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

In this instance, it is considered that the scale, design, siting and mass of the proposed extensions are appropriate taking into account the existing building and its surrounding context. It is noted that the works would respect the scale and design of the host property and other dwellings located within Rundell Crescent. In particular, the front elevation and roof form would provide a degree of visual interest and uniformity, which would appropriately reflect the design of the host dwelling and other dwellings along this street.

In this instance, it is considered that the scale, design, siting and mass of the proposed extensions are appropriate taking into account the existing building and its surrounding context. It is noted that the works would respect the scale and design of the host property and other dwellings located within Rundell Crescent. In particular, the roof form would provide a degree of visual interest and would appropriately reflect the design of the host dwelling and other dwellings along this street.

At the rear the dwelling would extend 4 metres at ground floor level. This in accordance with the guidance on single storey rear extensions for detached properties under the Residential Design Guidance. The introduction of a central first floor bay is not considered to be harmful to the character or appearance of the property and it is recognised the neighbouring property benefits from permission for a similar central bay at first floor. The width and depth of the first floor was amended to reduce the bulk of the rear elevation. As a result of the amendments, the first floor element is considered to be an acceptable addition to the host property.

Although the proposed development would see the dwelling extended to the side at its northern elevation across two storeys and sit forward of the existing principal elevation incorporating bay windows, it is considered that this additional massing would be sympathetic to the host dwelling and respect the restrictions of the plot. The side extension would introduce a degree of architectural balance to the dwelling.

The proposed dormers are considered to read as subordinate additions, which are centrally located on the respective roofslope and comply with the requirements within the Residential Design Guidance SPD. These features would not harm the character of the application site or the street scene.

Impact on living conditions of neighbouring occupiers

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

It is not considered that the submitted scheme would adversely impact neighbouring amenity in this instance. This determination is based on the scale, siting and design of the extensions.

To the north, the dwelling at 16 Rundell Crescent is detached from the subject dwelling. It does contain a rear bay window serving a habitable room with windows facing toward the application site. However, it is noted that a distance of approximately 1.5 metres would be left between the side extension and the boundary of the site and the southern flank elevation of 16 Rundell Crescent. The design guidelines for first floor side extensions contained within the Council's Residential Design Guidance SPD state that there should normally be a minimum gap of 2 metres between the flank walls of properties at first floor level (ie. a minimum gap of 1m between the boundary and the extension at first floor level for most two storey extensions). The flank wall of 16 Rundell Crescent is built to the boundary. Although the proposal does not maintain a separation flank- to-flank of 2 metres, the separation of 1.5 metres to the boundary is considered acceptable.

It is noted that a side dormer window, large first floor window and large ground floor window would be incorporated into the side extension and to the side elevation facing 12 Rundell Crescent. There were no observed windows in the southern flank elevation of 16 Rundell Crescent. As such, it is not considered that the side extension would adversely impact the dwelling 16 Rundell Crescent.

The subject dwelling would not be any closer to the boundary with the neighbouring dwelling to the south at 12 Rundell Crescent whose northern flank wall is separated from the application site by an existing garage and distance of approximately 4 metres. The plans show large windows in the side elevation serving a stairwell at ground and first floor. These windows could be conditioned to be obscurely glazed and fixed shut as they should not encroach over the boundary. There is a side dormer proposed for a stairwell aswell. The dormer has been amended so it is clearly contained within the roofslope of the property and not encroaching over the boundary with number 12. Again, a condition should be included that this dormer window be fixed shut so it does not extend beyond the boundary and could be conditioned to be obscurely glazed to avoid any risk of overlooking to the windows in the side elevation of 12. With the appropriate conditions, it is not considered that any overlooking or loss of privacy would occur to 12 Rundell Crescent.

At the rear, the dwelling would extend approximately 4 metres beyond the rear elevation of the existing dwelling at ground floor. It is also noted that at first floor, the extension would be set in from the boundaries of the site by 1.5 metres adjacent to 12 Rundell Crescent and 3 metres adjacent to 16 Rundell Crescent and would not contain any windows, balcony or terrace features that would cause adverse overlooking or a loss of privacy. The flat roof of the ground floor rear extension would be conditioned to explicitly state this cannot be used

for a balcony. Given this, it is not considered that the depth of the rear extension would result in an overbearing or overly prominent addition of built mass that would adversely impact the living conditions of adjoining occupier, including unacceptable loss of privacy. The first floor rear extension has been amended to reduce the width and depth of the extension and provide additional setback from the neighbouring properties.

The scheme also includes a rear patio area which would extend approximately 1 metre from the rear elevation with steps down to garden level and a paved patio area. The raised patio extends no further than the existing patio. The raised patio does not extend any further than existing, does not provide a large enough area to be usable, and would not impact on the privacy of the neighbouring occupiers given there is good screening to the boundaries. The flat roof of the ground floor extension will be conditioned to prevent this element being used for a balcony. Therefore it is not considered that the proposal would result in unacceptable levels of overlooking to warrant refusal of the application.

A condition will be included to restrict the hours of construction to protect residential amenities. However while this is raised as a concern by public comments, problems arising during construction are not material considerations in the determination of the application.

Impact on the amenities of future occupiers

Any proposal for the site which includes an element of residential dwelling use will need to demonstrate that it is providing suitable amenities for its future occupiers in the relevant regards (for example, daylight, sunlight, outlook, privacy and internal and external amenity space). Development plan policies DM01, DM02 (of the Barnet Local Plan) and 3.5 (of the London Plan), the guidance contained in the Barnet Supplementary Planning Documents 'Sustainable Design and Construction' and 'Residential Design Guidance' and the Mayoral planning guidance document 'Housing' identify what this would constitute.'

All residential accommodation is expected to meet the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2016. The SPD also confirms that habitable floorspace in rooms with sloping ceilings is defined as that with 1.5 m or more of ceiling height. The units would comply with the minimum space standards for a three storey 4 bed (5 person) dwelling of 103sqm and exceed this standard.

All proposed residential development should provide suitable outlook and daylight for future units. All habitable rooms would benefit from suitable outlook and in this regard the scheme is considered to be acceptable.

With regards to outdoor amenity space, all new residential development is expected to provide suitable and useable outdoor amenity space for future occupiers as advocated by the Council's Sustainable Design and Construction SPD. The development would provide separate gardens for each unit which would meet and exceed the minimum standard and this is considered to be acceptable.

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

Impact on Highways

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

Highways officers advised that the site is within a PTAL rating of 5 (good accessibility) with bus, train and tube services within the PTAL calculation area and is also within a designated town centre area and Hendon controlled parking zone.

Four parking spaces have been provided in association with the proposed development. This level of parking provision is in keeping with the maximum parking standards displayed in policy DM17.

There is an existing crossover on the property which would be retained. The Design and Access statement refers to a proposed new crossover to provide independent access to each dwelling. The applicant is advised that crossovers can not exceed the maximum width permissible by Highways of 4.8m and that any changes to the crossover(s) would require an to be made to the Highways team under the Highways Act 1980. The applicant has not provided a plan showing clear details of the parking arrangement and it is recommended that a final plan showing the parking layout and crossover arrangement should be submitted for approval.

Cycle parking needs to be provided in accordance with The London Plan Cycle Parking Standards. The cycle stores are shown in the rear garden and the quantum is in keeping with London Plan minimum standards. A condition requiring final details of the enclosure will be included.

The parking provision would comply with the minimum standards and Highways do not consider that the proposal would give rise to an unacceptable increase in parking pressures. It is recommended that the application is approved in highway terms subject to conditions.

Finally, the applicant proposes a new refuse store which complies with the Council's Recycling and Refuse Scheme at the front of the site and at a suitable proximity to the entrances of the development.

A street tree was observed to the front of the property. An informative will be included regarding the street tree and impact to the tree as a result of any changes to the crossover.

Accessibility and Sustainability

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 20% 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 applicant has confirmed that the proposed development would meet Building Regulation requirement M4(2), however as the proposal is not for a new building, this cannot be conditioned.

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

5.4 Response to Public Consultation

The public comments have been addressed in the main body of the report. After a comment was raised that the existing building should be considered for listing, Urban Design and Heritage were consulted. The existing building was not considered for local listing.

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.



5M 10M 20M



URBAN PLANNING PRACTICE

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Location **27 And 29 Neeld Crescent London NW4 3RP**

Reference: **18/1327/FUL**

Received: 1st March 2018

Accepted: 7th March 2018

Ward: West Hendon

Expiry 2nd May 2018

Applicant: Neeld Crescent Limited

Proposal: Demolition of No.29 Neeld Crescent and alterations to side elevation fenestration to No.27 Neeld Crescent. Erection of two-storey building including excavation and creation of a lower ground floor level and mansard roof with rooms in the roofspace to provide 7no self-contained flats. Provision of 7 parking spaces, amenity space, cycle storage and refuse and recycling storage. Associated alterations to hard and soft landscaping.

Recommendation: Approve subject to conditions

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

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

Proposed West (Front) Elevation- Section Drawing No 3029(PLA) 100-400 Rev B

Received 17 May 2018

Location Plan Drawing No 3029(EXI) 001

Existing Site Plan Drawing No 3029 (EXI) 002

Existing Ground Floor Plan Drawing No 3029 (EXI) 101

Existing First Floor Plan Drawing No 3029 (EXI) 102

Existing Roof Plan Drawing No 3029 (EXI) 103

Existing Front Elevation Drawing No 3029 (EXI) 201

Existing Side Elevation Drawing No 3029 (EXI) 202_204

Existing Rear Elevation Drawing No 3029 (EXI) 203

Existing Section C-C and D-D Drawing No 3029 (EXI) 302_302

Received 7 March 2018

Proposed First Floor Plan Drawing No 3029 (PLA) 112
Proposed West (Front) Elevation (Section) Drawing No 3029 (PLA) 211
Proposed Lower Ground Floor Drawing No 3019 (PLA) 110
Proposed East (Rear) Elevation (Section) Drawing No 3029 (PLA) 213
Proposed Second Floor Plan Drawing No 3029 (PLA) 113
Proposed Section A-A Drawing No 3029 (PLA) 300
Proposed North Elevation Drawing No 3029 (PLA) 214
Proposed South Elevation Drawing No 3029 (PLA) 212
Proposed Site Plan Drawing No 3029 (PLA) 002

Arboricultural Report
Transport Statement dated February 2018
Data Sheet Woehr Slimpacker 557
Sustainability Statement

Received 1 March 2018

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

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

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

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

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

- 4 a) 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.

5 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

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

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

6 Prior to the occupation of the development, a Maintenance Agreement for the operation of the car lifts and the Automated Underground Car Parking Stacker System must be submitted to and approved in writing by the Local Planning Authority.

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

7 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

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

8 Before the development hereby permitted is occupied 7 car parking spaces as indicated on Drawing Nos. 3029(PLA)100-002,110 and 111 submitted with the planning application including the access to the parking spaces shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

9 Before the building hereby permitted is first occupied the proposed window(s) in the first floor side elevation facing 31 Neeld Crescent shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

10 a) Before the development hereby permitted is first occupied, details of 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 April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

11 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.

- 11 No works on public highway if required as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the highway authority and works shall only be carried out in accordance with the approved plans.

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

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

- 12 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 13 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.

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

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

- 15 Before the building hereby permitted is first occupied the proposed first floor window(s) in the side elevation facing 31 Neeld Crescent shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 16 a) Before the development hereby permitted is first occupied, details of 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 April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

- 17 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 Policy 5.21 of the London Plan (2011).

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

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

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

- 19 Before development commences, a report should be carried out by an approved acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely noise impacts from the development with regards to the Car Stacking System. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.

It should 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 contents and recommendations.

The approved measures shall be implemented in their entirety before (any of the units are occupied/ the use commences).

Reason: To ensure that the amenities of neighbouring premises are protected from noise from the development in accordance with policies DM01 and DM04 of the Adopted Local Plan Development Management DPD (2012).

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications.

These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

- 2 The applicant is advised that any 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.

- 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 Any highway approval as part of the planning process for the alteration or removal of the existing crossovers or provision of new crossovers will be subject to detailed survey by the Crossover Team in Environment, Planning and Regeneration as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement

by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Development Regulatory Service, Traffic and Development, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP

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

- 5 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 6 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

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

- 7 This tree stands on public highway land maintained by the Council. The grant of planning consent confers no rights for any work to be undertaken to the tree and you are advised to consult the Council's Trees & Woodlands Manager, Greenspaces and Streets on 020 8359 7838 prior to taking any further action.
- 8 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.
- 9 The submitted Construction Method Statement shall include as a minimum details of:
 - Site hoarding
 - Wheel washing
 - Dust suppression methods and kit to be used
 - Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
 - Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - For smaller developments -confirmation that an asbestos survey has been carried out.
 - Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
- 10 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

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

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external

noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 30dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

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

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

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - 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 comprises of a rectangular plot of land currently occupied by a two-storey detached dwelling (number 29) and semi-detached property (number 27). The site is located on the south eastern side of Neeld Crescent, within the ward of West Hendon.

The area is predominantly residential in character comprising of single dwellings, purpose built flatted development and converted properties.

There is a mature Council street tree in the public highway immediately in the front of the site.

The site is not in a conservation area and does not contain any listed buildings.

2. Site History

Reference: 17/3529/FUL

Address: 27 and 29 Neeld Crescent London NW4 3RP

Decision: Refused

Decision Date: 20.09.2017

Description: Demolition of No.29 Neeld Crescent and alterations to side elevation fenestration to No.27 Neeld Crescent. Erection of two-storey building including excavation and creation of a lower ground floor level and mansard roof with rooms in the roofspace to provide 7no self-contained flats. Provision of 7 parking spaces, amenity space, cycle storage and refuse and recycling storage. Associated alterations to hard and soft landscaping

Reason for Refusal: The proposed development would lead to an increase in kerbside parking and the waiting of cars on the highway, due to the installation and operation of the car park stacking system, detrimental to the free flow of traffic and pedestrian and highway safety contrary to policies 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.

Reference: 17/4032/192

Address: 27 Neeld Crescent, London, NW4 3RP

Decision: Lawful

Decision Date: 21.08.2017

Description: Roof extension involving hip to gable, rear dormer window with juliette balcony, 2no. rooflights to front elevation to facilitate a loft conversion. New outbuilding to rear (AMENDED)

Reference: W10387

Address: 27 Neeld Crescent London NW4

Decision: Approved subject to conditions

Description: Part single and part two storey rear and side extension and front porch.

Decision Date: 02.08.1994

Reference: W10387A/07

Address: 27 Neeld Crescent, London, NW4 3RP

Decision: Refused

Decision Date: 29.11.2007

Description: Two storey side extension. Conversion of property into four self contained flats. Provision of car parking spaces. Single storey rear extension.

Reference: H/01916/14

Address: 27 Neeld Crescent, London, NW4 3RP

Decision: Refused

Decision Date: 10.06.2014

Description: Conversion of property into 3 flats with off street parking. Construction of part-single, part two storey side and rear extensions. Roof conversion involving 1no side rooflight, 1no.side dormer window and 1no. rear dormer window.

Appeal dismissed 31.10.2014

Reasons for refusal

The proposal by virtue of the bulk, scale and siting of extensions would fail to remain subordinate in scale to the original form of the property, which would be to the detriment of the character and appearance of the property and surrounding area. The proposal would therefore be contrary to The National Planning Policy Framework 2012, Development Management policy DM01 and the council's Residential Design Guidance Supplementary Planning Document 2013.

The proposed two storey side extension by reason of its size, bulk and siting would appear visually intrusive and overbearing, and be detrimental to the visual and residential amenities of the occupier of 29 Neeld Crescent, contrary to the National Planning Policy Framework 2012, Development Management policy DM01 and the council's Residential Design Guidance Supplementary Planning Document 2013.

Appeal decision

It is concluded that the scheme would harm the living conditions of existing residents at No 29 in respect of outlook. This would conflict with that part of Policy DM01 of the Development Management Policies which requires proposals to allow for an adequate outlook for adjoining occupiers and users. It would also conflict with advice within the Council's Supplementary Planning Document 'Residential Design Guidance', which requires extensions to properties not to be overbearing or unduly obtrusive.

3. Proposal

The application relates to the demolition of No.29 Neeld Crescent and alterations to side elevation fenestration to No.27 Neeld Crescent. The proposal will result in the erection of one two-storey building including excavation and creation of a lower ground floor level and mansard roof with rooms in the roofspace to provide 7no self-contained flats.

The new building measures approximately 9.8 metres in height and 5.7 metres to the eaves level. The width of the dwelling is 11.6 metres. The depth of the building at ground floor and first floor is approximately 14.3 metres. The depth of the lower ground floor is 16.6 metres.

There are 3 rooflights proposed in the front elevation. The south elevation includes two dormers. The dormers each measure 2 metres in height, 3.3 metres in width and 2.3 metres in depth. The north elevation features one dormer and 3 rooflights. The dormer measures 2 metres in height, 3.3 metres in width and 2.3 metres in depth. The rear dormer measures 3.9 metres in width, 1.9 metres in height 2.3 metres in depth

There is communal access down the side of the property with access steps leading down below ground level and then rising to level with the rear garden.

The works to 27 include the bricking up of a side window serving the kitchen and the insertion of a new window to the same kitchen to the front.

Units 1-4 are maisonette units provided in the ground floor and lower ground floor. The living spaces will be provided in the ground floor and bedrooms provided in the lower ground floor served by lightwells. The rear units (2 and 3) have access to a private balcony on the roof of the lower ground floor. On the first floor, are units 5 and 6. These units each have a small rear balcony. Unit 7 occupies the second floor and is served by dormer windows.

The units are as follows:

Unit 1: 1 bed, 2 person maisonette: 70.5m² GIA

Unit 2: 2 bed, 4 person maisonette: 75.8m² GIA

Unit 3: 2 bed, 4 person maisonette: 76 m² GIA

Unit 4: 1 bed, 2 person maisonette: 73 m² GIA

Unit 5: 1 bed, 2 person: 58.2 m² GIA

Unit 6: 2 bed, 3 person: 68.7m² GIA

Unit 7: 2 bed, 3 person: 81m² GIA

The development involves the provision of 7 parking spaces, amenity space, cycle storage and refuse and recycling storage as well as associated alterations to hard and soft landscaping.

The vehicle parking is provided via an underground automated car stacker system.

4. Public Consultation

Consultation letters were sent to 176 neighbouring properties.

6 responses have been received, comprising 6 letters of objection.

The objections received can be summarised as follows:

Road is congested as existing - increased traffic, further parking problems, worsen problems for existing residents.

Inadequate parking provision and access.

Out of character with the street. Building and materials are inappropriate.

Increased drainage needs that the existing drainage cannot accommodate.

Control operations to restrict works to certain hours.

Height of roof should be no higher than existing roof.

Excavation and building works will result in inconvenience for surrounding occupiers.

Loss of amenity - loss of view, overlooking and loss of privacy.

Increased noise and disturbance.

Highways: No objection with conditions

Environmental Health: No objection with conditions

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

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, DM08, DM17.

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Principle of development

In assessing whether flats are appropriate in this location, policy DM01 of Barnet's Development Management Policies states that consideration should be given to the character of the road and where proposals involve the loss of houses in roads characterised by houses, this will not normally be appropriate.

When assessing the context of the street, Neeld Crescent is a suburban residential area, consisting of mainly two-storey detached and semi-detached houses. However there are a number of large blocks of purpose built flats opposite the proposal site (nos.40 and 42 - total of 18 flats) and further north, nos.39-41 have been converted into 5 flats. Officers also note the application at the adjacent no.27 which sought consent for extensions to facilitate conversion of the dwelling to 3 flats. While the application was refused due to the impact of the scale of the proposed extensions, officers at the time were satisfied with the principle of development for flats.

Taking into account the street context with the presence of a number of newly constructed flatted developments and flat conversions, officers consider that the proposed development would not conflict with the aims of Development Management policy DM01 and the principle is acceptable in this instance. It should also be noted that the principle of the conversion of no.27 was not objected to as part of application H/01916/14.

The previously refused scheme at 27 and 29 Neeld Crescent was refused on one ground only. This related to highways concerns and not the principle of development. There are no material changes in the area which would warrant a different outcome.

Barnet's approach is to optimise housing density in order to achieve appropriate development. This is set within the context of the Sustainable Residential Quality Density Matrix in Table 3.2 of the London Plan. This matrix sets out appropriate density ranges for suburban, urban and central locations which reflect the setting of site in terms of its location, existing building form and massing and public transport accessibility level (PTAL). The Planning Authority considers that the site can be classed as having a suburban setting and has a PTAL level of 4. The proposed development would have a density of 500 hr/ha and 140 u/ha which would exceed the density levels for this suburban context. However, the London Plan states that it is not appropriate to apply these requirements mechanically and should take into account local context, design and transport capacity etc.

The proposed development would provide a mix of housing types, consisting of 3 x 1 bedroom flats and 4 x 2 bedroom flats. The mix of dwelling types and sizes is considered to be appropriate.

Impact on character and appearance

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

When analysing the street character and pattern, the street is characterised by two storey inter-war dwellings of different styles and external materials. There is a strong prevalent building line which runs down both sides of the street with almost every property having an area of hardstanding to the front to accommodate off-street parking.

The proposal involves the demolition of the existing building and creation of new building which has been designed to appear as a single family dwelling to reflect the neighbouring properties and one entrance door is proposed. The proposed height will be comparable to the existing eaves and ridge height of the property and will respect the established building heights of the adjacent properties. It is considered that the proposal maintains an adequate amount of spacing between the building and the common boundary to ensure the proposal appears to sit comfortably within the site and maintains the detached nature of the building.

The proposal includes the provision of lightwells to the front of the site to facilitate natural light to the basement level. Lightwells can have a significant impact on the appearance of a site and will increase the prominence of basement levels. Therefore, any visual manifestation of a basement must be sensitively designed as such the lightwells are of a size and location that is considered to be appropriate with a significant set back from the public footpath, in addition soft landscaping is proposed on either side to limit their visibility.

The proposed car stacker will be located in the front driveway. The stacker is designed to be flush with the ground floor level at all times except when in use. The car stacker will rise from ground level to approximately 2.5 metres in height taking approximately 30 seconds. The stacker is open at the sides and comprises a roof and columns in each corner. The period which the car stacker is in use above ground on each occasion (either for a car to enter or exit the parking bays) would be the minimum required for the resident to drive in or drive out of the lift. The default position of the car lift will be at grade. While the car lift will be visible for limited periods when in use, this is expected to be short in duration and on balance, does not adversely harm the character or appearance of the host property or area.

Impact on the amenities of neighbours

Privacy is an important design issue and the positioning of homes, including their windows and balconies, should be carefully considered to ensure that adequate privacy is maintained. In particular, habitable rooms and areas of private gardens close to dwellings should not be excessively overlooked by windows or elevated amenity areas such as balconies/terraces. Screening can reduce overlooking in these instances. Privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed).

The main amenity impacts to be assessed are to the adjacent properties to the north (no.31) and to the south (no.27). On the side elevation of no.31, there are two windows serving the landing and a bathroom. To no.27, there are a number of windows serving two bathrooms, stairwell and ground floor hallway. The majority of windows proposed on the side elevations of the scheme would therefore be unlikely to cause any detrimental overlooking issues. One window which would raise concern is the most eastern first floor window on the proposed north elevation which by virtue of it extending significantly past the rear elevation of no.31, the window would have direct views in the rear garden and have partial views to their windows. The proposal could be conditioned to ensure that the side facing windows which serve as secondary windows to habitable rooms or non-habitable rooms (bathroom) would be obscure glazed to prevent overlooking and loss of privacy.

To ensure that there is adequate privacy to the neighbouring occupiers details of privacy screens to the balconies will need to be secured by way of condition.

The proposal will extend beyond the rear building line of both neighbouring properties. In regards to no.27 Neeld Crescent an unobscured window on the flank elevation facing the development site is to be blocked up to overcome any concern in regards to overlooking and impact on outlook. By reason of the distance maintained between the two properties and the depth of the proposed projection beyond the rear building line of no.27 it is considered that the proposal will not result in demonstrable harm to the neighbouring amenity.

It is noted that no.31 has a garage to the side of the property which sits between the application site and the main dwellinghouse. As a result of this the proposal is set at a significant distance from the habitable accommodation of no.31. Given the distance between the two properties, the orientation of the buildings and the projection beyond the neighbouring rear building line it is not considered that the proposal will result in harm. The impact on the rear garden space of the development also needs to be considered, however, given the siting of the development it is not considered that the proposal will be overshadowing or overbearing when perceived from the neighbouring garden area.

Amenity of future occupiers

In terms of the amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. Table 3.3 within Policy 3.5 of the London Plan 2016 provides minimum space standards for new dwellings. The proposal would provide 4 x 2 bedroom units and 3 x 1 bedroom units.

Residential accommodation contained within a basement level which relies on lightwells to provide natural daylight/sunlight and outlook are not usually considered acceptable. Units 1 - 4 will be duplex units split over lower ground and ground floor level with the bedroom spaces within the lower level and main living space at the upper ground floor level it is therefore considered that due to this split in levels that the proposal is acceptable and would provide adequate amenity for the amenities of the future occupiers.

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible. The Sustainable design and construction SPD advises that 5m² should be provide per habitable room for flats. Each of the flats would private amenity space in the form of patios or balconies, with all of the units having access to the rear communal garden.

No objections were raised in the previous application in regards to occupier amenity.

Traffic and parking

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

The proposed development is for the demolition of 29 Neeld Crescent and alterations to side elevation fenestration to No.27 Neeld Crescent and erection of 7 residential units comprising 3x1 bedroom units and 4 x 2 bedroom units. The development will need between 4 to 9

parking spaces to meet the parking standards as set out in the Barnet local plan development management policy DM17 approved in September 2012. 7 parking spaces are proposed which is in accordance the DM17 Policy considering the PTAL rating of 4. However, the parking spaces are being provided using a car stacker system in the front garden.

It is noted that the last application at the site for an almost identical scheme was refused on highways impacts. In that scheme, officers raised a concern that the development would have a detrimental impact on pedestrian safety and on the public highway due to the vehicles waiting on public highway to access the parking spaces. Highways officers have reviewed this proposal including the transport assessment included with the proposal. Parking spaces are being provided using an automated underground car stacker system. The proposed stacker system will be accessible from Neeld Crescent and space for a vehicle to wait while the lift operates is provided on-site adjacent to the lift reducing the need for development vehicles to wait on public highway. Egress from the car park will be undertaken in forward gear onto Neeld Crescent once the lift has risen.

Automated Traffic Count surveys were undertaken by the applicant which demonstrated that there is approximately 1 vehicle driving along Neeld Crescent every minute. As such it is anticipated that vehicles entering/egressing the site in forward gear will have minimal impact on the operation of Neeld Crescent. The survey also demonstrated that the average 85 percentile speed on Neeld Crescent is 24 to 25 mph.

Further details were requested by officers for the car stacker as some safety concerns were raised. The applicant has provided additional detail on the operation of the stacker. It will be operated from the 'top' therefore it is unlikely that someone will be impacted by the canopy raising out of the ground. There is also a laser beam system in place, which if broken will stop the platform raising up or down. The waiting driver will also be on hand to advise others that a vehicle is being parked/ or retrieved.

The proposal for the stacker parking is acceptable in principle. However, the applicant will be required to submit a Maintenance Agreement for the stacker parking to ensure that in the event of a breakdown the stacker parking is promptly repaired and maintained at the optimum to ensure that there is no detrimental impact on public highway. A parking management plan should be conditioned which should contain exact details of the operation of the stacker and its specifications.

The proposed bin store is located within an immediate proximity to the stacker system. Hinged doors swinging out may be damaged or damage the stacker, therefore Highways request that doors to the bin stores are placed on runners so that they do not obstruct the stacker system. It is acknowledged that the bin store will not be accessible at times when the car lift is in operation. However this is for short periods and is not considered to be unacceptable. A condition will be recommended to ensure final details of the bin enclosure including necessary changes to the door arrangements.

Overall, the proposal has overcome the previous reason for refusal on Highways grounds and has proposed an acceptable solution to parking management on the site. With appropriate conditions, the parking arrangement can be managed to ensure it is safe and efficient and does not adversely impact on the highway network.

Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The

applicant has confirmed that the proposed development would meet this requirement, and a condition is attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 10% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy.

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

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

5.4 Response to Public Consultation

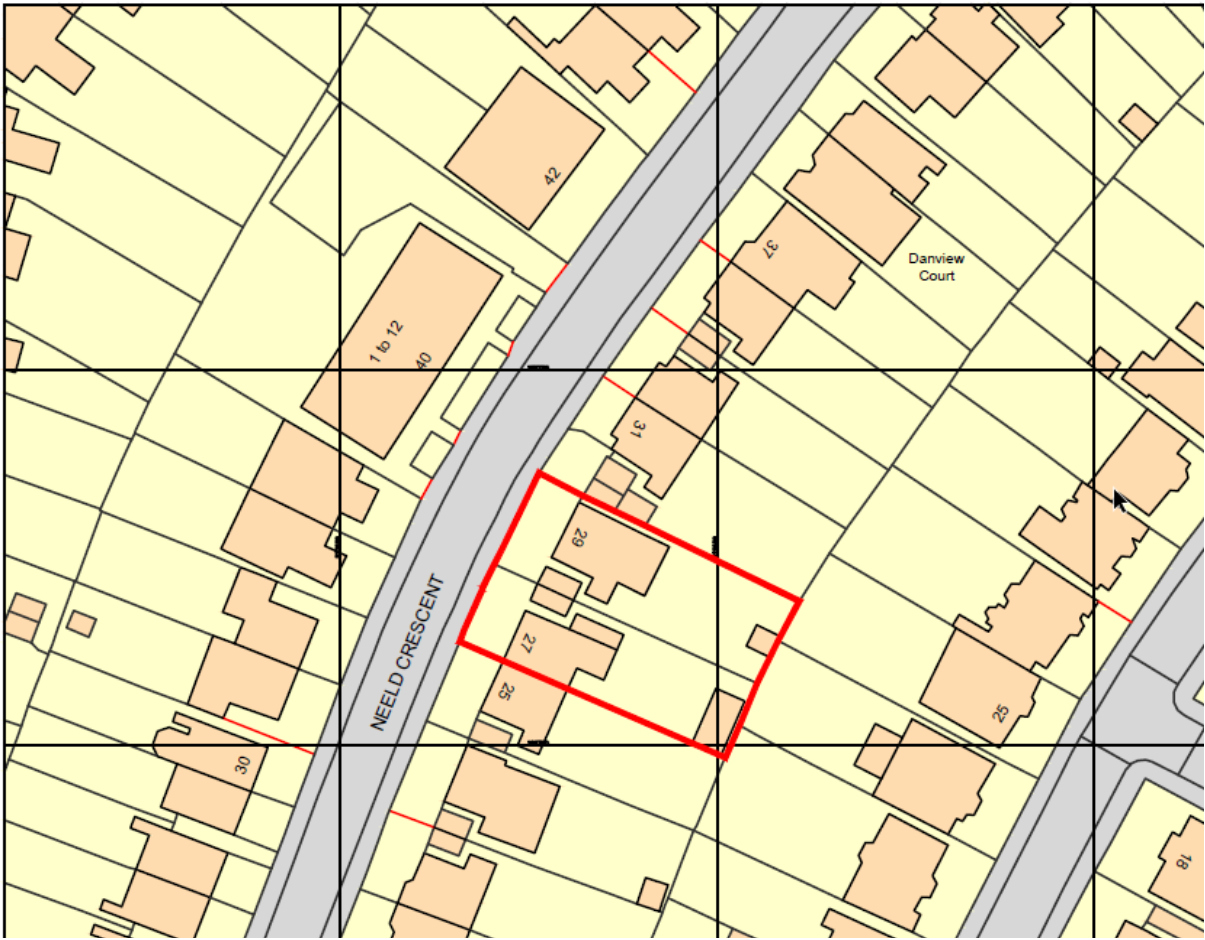
All planning related matters are considered to be covered in the above appraisal.

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

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 or future occupiers. This application is therefore recommended for approval.



Location **366 Watford Way London NW4 4XA**

Reference: **18/0289/HSE**

Received: 15th January 2018

Accepted: 15th January 2018

Ward: Hendon

Expiry 12th March 2018

Applicant: Mr Steven Harris

Proposal: Single storey rear extension

AGENDA ITEM 10

Recommendation: Approve subject to conditions

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

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

Site location plan

Drawing entitled 'Proposed' including existing/proposed plans and elevations.
Design and Access Statement dated 10 January 2018.

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

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

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

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

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

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

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

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

Informative(s):

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

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.85 metres and maximum height of 3 metres

Reason: Side and rear extension.

Reference: 17/7009/192

Address: 366 Watford Way, London, NW4 4XA

Decision: Lawful

Decision Date: 14 November 2017

Description: Roof extension involving hip to gable, rear dormer window, 1no. rooflight to front and new gable window to side elevation to facilitate a loft conversion

Reference: 17/7379/PNH

Address: 366 Watford Way, London, NW4 4XA

Decision: Prior Approval Required and Refused

Decision Date: 20 December 2017

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.85 metres and maximum height of 3 metres

Reason: Insufficient information provided by applicant.

Reference: 18/0152/PNH

Address: 366 Watford Way, London, NW4 4XA

Decision: Prior Approval Required and Refused

Decision Date: 25 January 2018

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.85 metres and maximum height of 3 metres.

Reason: Side and rear extension.

3. Proposal

The application seeks permission to construct a single storey rear extension.

The proposed extension would project 3.5 metres from the rear wall following the demolition of original bay window and a half-width projection. The proposal would extend by the full width of the host dwelling, with a flat roof design standing at an eaves height of 2.85 metres and a maximum height of 3.1 metres.

4. Consultation

Public

Consultation letters were sent to 2 neighbouring properties.

2 representations were received comprising 2 objections. The representations can be summarised as follows:-

- The proposed extension will be built on the shared drive between the two properties.
- The property is alleged to be currently let out as multiple occupancy (without planning or HMO licence, and consent would encourage the proliferation of more unauthorised HMOs on the Watford Way.
- Concerns about impact on neighbouring natural light to garden and habitable room,

- Concern about security as the flat roof of the extension could be used for unauthorised access to the attached property.
- Concern the roof of the extension would be used as a balcony or terrace and loss of privacy through overlooking
- Concern about increase in insurance costs and reduction in house price value for neighbours
- Concern about the potential future use as a HMO
- Concern about breaches of a party wall in the roofspace

Internal

Highways: The proposed single storey extension at the rear of the property is not expected to have a detrimental impact on the public highway.

I therefore have no objections on highways grounds.

4.2 Committee call-in

Councillor Braun called the item in to Committee. The stated planning reason for call-in given is the detrimental impact to the amenity of neighbouring occupiers, specifically the attached property no.364.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

Impact to the character and appearance of the existing building, the street scene and the wider locality

Any scheme for this site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of the development plan

policies including DM01, and CS05 of the Barnet Local Plan (2012) and policies 7.4 and 7.6 of the London Plan (2016).

The proposed extension would project 3.5 metres from the rear wall following the demolition of original bay window and a half-width projection. The proposal would extend by the full width of the host dwelling, with a flat roof design standing at an eaves height of 2.85 metres and a maximum height of 3.1 metres.

In the case of semi-detached properties, the adopted Residential Design Guidance SPD (2016) recommends a maximum depth of 3.5m from the rear wall for single-storey rear extensions. The depth of the proposed rear addition would therefore comply with this guidance and the proposed design would be considered a subordinate and proportionate addition to the host dwelling. Therefore the impact to the character and appearance of the existing dwelling would not be considered harmful.

There are a number of single storey rear extensions along Watford Way, including at no.362 with permission (ref H/00562/11 dated 23.03.2011), with similar development at no 360, 338, 340 and 342 which are more than 4 years old and immune from enforcement action by the passage of time, all located along this part of the road. These extensions influence the character and appearance of the area and the proposed extension at 366 Watford Way would not be out of keeping or incongruous within this immediate locality.

The proposal is therefore considered acceptable in terms of impact to character and appearance, and compliant with Policy DM01 in this respect.

Impact to amenities of neighbouring occupiers

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

The host site and its immediate neighbouring properties were noted to be set at a broadly even ground level at site visit.

As discussed, the proposal complies with the depth ordinarily acceptable under the adopted SPD and which is considered to adequately protect the amenities of neighbouring occupiers. As such, the proposal would be considered to have adequate regard to the amenity of neighbouring occupiers to no.364 and not result in an unacceptable impact in terms of harmful reduction of light or outlook to principal windows of habitable rooms nor in increased sense of enclosure or overbearing to occupiers of this neighbouring property.

In respect of the non-attached neighbour at no.368, this is noted to be separated by a distance of some 2.5 metres between flank walls. Moreover, this site is noted to have an original garage located along the common boundary which would provide screening from the visual impact of the bulk of this proposal. Given the degree of separation, siting of the proposal and material considerations on this neighbouring site, no detrimental impact would be considered to result.

The proposal is therefore considered to have adequate regard to the amenities of neighbouring occupiers and to comply with DM01.

5.4 Response to Public Consultation

Material planning considerations have been considered in the body of the report.

- The proposed extension will be built on the shared drive between the two properties.

Officer comment: The proposal has been internally consulted with a Highways engineer. No objection was raised as the the proposal is not expected to have a detrimental impact on the public highway.

- The property is alleged to be currently let out as multiple occupancy (without planning or HMO licence, and consent would encourage the proliferation of more unauthorised HMOs on the Watford Way.

Officer comment: The present application is for a householder planning application. An informative is attached to clarify that any consent relates to the use of the property as a single family dwelling.

- Concerns about impact on neighbouring natural light to garden and habitable room.

Officer comment: The proposal is considered to be proportionate and subordinate addition to the house, the depth and height of which are considered to be acceptable in terms of impact to the amenity of neighbouring occupiers based on guidance contained in the adopted Residential Design Guide SPD (2016).

- Concern about security as the flat roof of the extension could be used for unauthorised access to the attached property; Concern the roof of the extension would be used as a balcony or terrace and loss of privacy through overlooking

Officer comment: In common with any application for a flat-roof design single-storey rear extension, a condition is recommended to be attached to restrict the use of the roof for purposes other than maintenance and makes clear that balcony use is prohibited. The use of a roof in this way would be liable to enforcement action.

- Concern about increase in insurance costs and reduction in house price value for neighbours

Officer comment: These matters are not material planning considerations.

- Concern about the potential future use as a HMO

Officer comment: The above assessment is in relation to the use of the property as a single-family dwelling and no part of the application references established use as a HMO. An informative is attached to clarify that any consent relates to the use of the property as a single family dwelling.

- Concern about breaches of a party wall in the roofspace

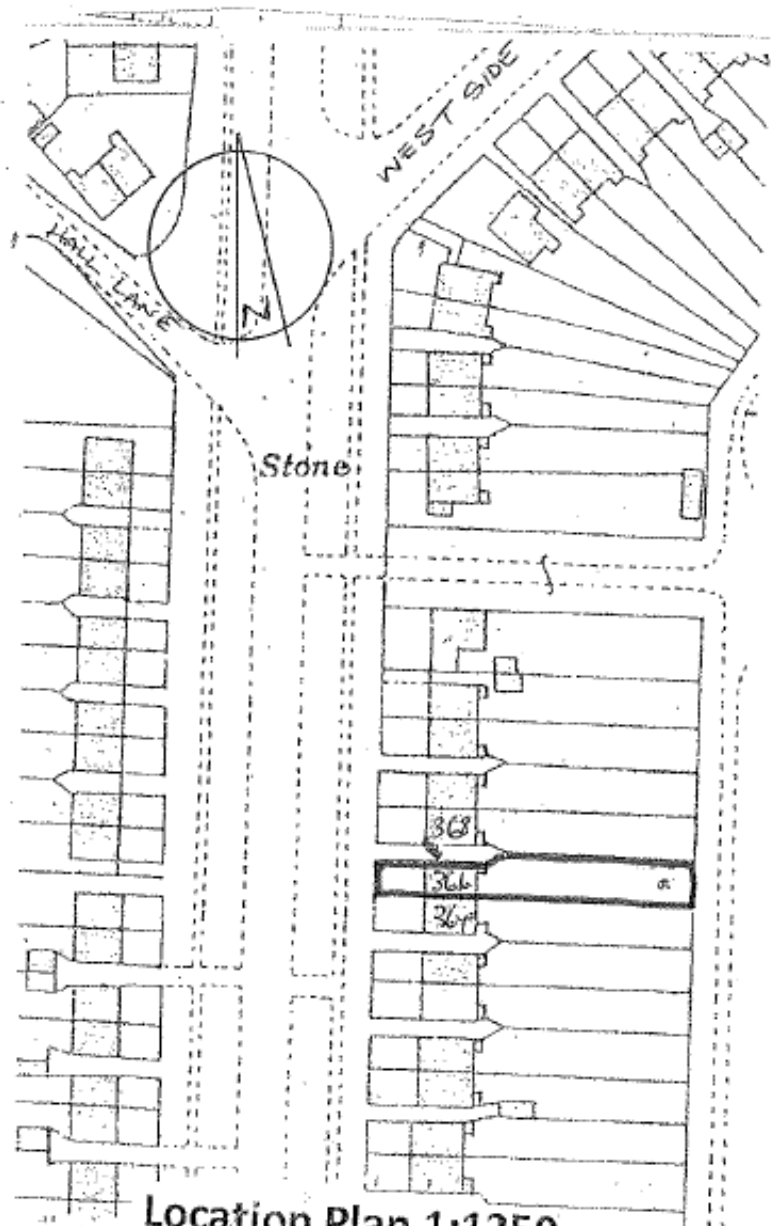
Officer comment: Party wall and boundary disputes are civil matters and are not material considerations for this decision.

6. Equality and Diversity Issues

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

7. Conclusion

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



Location Plan 1:1250

Location **Land Rear Of 18 Maxwelton Close London NW7 3NA**

Reference: **18/1077/FUL**

Received: 19th February 2018

Accepted: 21st February 2018

AGENDA ITEM 11

Ward: Hale

Expiry 18th April 2018

Applicant: Mr Hathi

Proposal: Erection of 4no. dwellinghouses with associated parking, access, cycle storage, and refuse and recycling store

Recommendation: Approve subject to conditions

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

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

Site Location Plan, RE/18MC/18/1C, RE/18MC/18/2C, RE/18MC/18/3C, RE/18MC/18/4C, RE/18MC/18 /5C (all dated).

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

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

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

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

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

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

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

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

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

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

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

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

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

6 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

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

- 7 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. RE/18MC/18/1C; shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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

- 8 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 and D of Part 1 of Schedule 2 of that Order shall be carried out within the area of the site 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).

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

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

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

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

- 10 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 elevations of any 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).

- 11 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).

- 12 Before the development hereby permitted is first occupied, the amenity areas shown on Drawing RE/18MC/18/1C shall be implemented in full accordance with the aforementioned drawing and retained as such thereafter.

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

- 13 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.

- 14 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.

- 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.

- 16 a) Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority.

It shall have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment, the London Air Quality Network and London Atmospheric Emissions Inventory. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

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

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and Policy 5.3 of the London Plan 2015.

- 17 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations

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

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

Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2015.

- 18 Before the building hereby permitted is first occupied the proposed first floor windows in the west elevation of 18D facing 18 Maxwelton Close and all the windows in the north elevation facing the proposed three detached dwellings (18A, 18B and 18C) shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 19 Before the building hereby permitted is first occupied the proposed first floor windows in the west and south elevations of 18A facing 18 and 20 Maxwelton Close shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 20 The development hereby approved shall be constructed and occupied out in accordance with the internal layout and room use plans RE/18MC/2C and RE/18MC/3C only. Any variations to the layout of the properties should be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to maintain occupier amenity for the future residents of the development and to prevent cross overlooking within and from outside of the site in accordance with Policy DM01 of the Adopted Local Plan Development Management Policies DPD (2012).

Informative(s):

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

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.

- 2 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. 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.
- 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.

Officer's Assessment

1. Site Description

The development site includes a two storey semi-detached dwellinghouse built in the interwar period. The site is an irregular wedge shaped piece of land located on the northern end of Maxwellton Close; a residential cul-de-sac which lies within the Hale ward of the Hendon Area. The site is directly adjacent to a train line and beyond that, the M1 Motorway, which forms the north-eastern boundary. The site does not include a listed building and is not in a conservation area.

Maxwelton Close is largely characterised by pairs of two-storey semi-detached dwellings. The surrounding Sunbury Gardens, Sunbury Avenue, Highwood Grove, and Manor Grove feature a mixture of residential development, including back-land flats off Sunbury Avenue in Meridian Close (adjoins the site).

2. Site History

Reference: 17/4462/FUL

Address: Land to the rear of 18 Maxwellton Close, London, NW7 3NA

Decision: Approved Subject to conditions

Advice issued: 08 September 2017

Description: Creation of 4no dwelling houses with associated parking, access, cycle storage, and refuse and recycling store.

Reference: 17/8229/ENQ

Address: Land to the rear of 18 Maxwellton Close, London, NW7 3NA

Decision: Positive Pre-app advice

Advice issued: 03 July 2017

Description: Creation of 1 detached 2-storey, 2-bedroom house and a row of 3 terraced 2-storey houses (2 x 3 bedroom, 1 x 2 bedroom) to the rear of 18 Maxwellton Close, each with associated private outdoor amenity space, car parking, refuse storage, and cycle parking.

Reference: 16/0650/FUL

Address: Land to The Rear Of 18 Maxwellton Close, London, NW7 3NA

Decision: Approved Subject to Conditions

Decision Date: 08 April 2016

Description: Erection of 2no. detached two storey dwellinghouses with associated amenity space, hard and soft landscaping, off-street parking spaces, refuse and cycle storage

Reference: H/05419/14

Address: 18 Maxwellton Close, London, NW7 3NA

Decision: Application refused (Appeal dismissed under reference APP/N5090/W/15/3029375)

Decision Date: 03 Dec 2014 (Appeal decision date 16 September 2015)

Description: Erection of 2no. detached two storey dwellinghouses with associated amenity space, hard and soft landscaping, off-street parking spaces, refuse and cycle storage. (Full application).

3. Proposal

The proposal is for the erection 4 no. dwellinghouses comprising 4 detached 2-storey dwellings, to the rear of the existing semi-detached dwelling house 18 Maxwellton Close.

The 4 no. proposed dwellinghouses are all 2 storeys and have the following Gross Internal Area (GIA):

18A	3 bedrooms, 5 persons	96 sq m
18B	3 bedrooms, 5 persons	96 sq m
18 C	3 bedrooms, 5 persons	96 sq m
18 D	3 bedrooms, 5 persons	102 sq m

Parking for 5 no. cars is proposed. 8 no cycle parking spaces are also proposed (2 no for each house).

In addition, the development includes associated amenity space, hard and soft landscaping, off street parking, refuse and cycle storage.

Extant Permission 17/4462/FUL

As detailed in the planning history an extant permission exists for 4 dwellings. These had the following characteristics;

1 detached 2-storey, 2-bedroom house and a row of 3 terraced 2-storey houses (2 x 3 bedroom, 1 x 2 bedroom)

The 4 no. proposed dwellinghouses are all 2 storeys and have the following Gross Internal Area (GIA):

<i>18A</i>	<i>3 bedrooms, 5 persons</i>	<i>100 sq m</i>
<i>18B</i>	<i>2 bedrooms, 4 persons</i>	<i>96 sq m</i>
<i>18 C</i>	<i>3 bedrooms, 5 persons</i>	<i>100 sq m</i>
<i>18 D</i>	<i>2 bedrooms, 4 person</i>	<i>87 sq m</i>

The key change with the new proposal is that all the dwellings would now be detached. This increases the overall floorspace and unit sizes as above. This is facilitated by the reduction in the irregular shaped garden which would serve the host dwelling. A long strip of garden which previously ran along the flank of the proposed terrace will now be utilised to accommodate the increased development. A garden of circa 65 sq. m would be retained for No.18 Maxwellton Close.

The proposed scheme retains the traditional elements of the recent extant consent including a hipped 29 degree pitched roof, bricked quoins, Georgian bar windows, and rendered walls.

4. Public Consultation

Consultation letters were sent to 60 neighbouring properties. 17 responses were received, comprising of 2 objections. The objections received can be summarised as follows;

- The proposed development will be out of character
- Potential issues with parking and road safety
- The proposal will require use of the shared drive between No.16 and 18
- This is the wrong location for dwellings
- The site plan does not show the extension to No16 and plans are not dimensioned
- Other applications refused and no change in circumstances

- Contrary to inspector's views in previous appeal decision
- Incompatible with existing planning permission
- Loss of trees and vegetation
- Insufficient parking
- Loss of wildlife habitat
- Risk of flooding
- Overlooking adjoining properties
- Blocking natural daylight
- Conflict with the pattern of development
- Poor relationship with adjoining buildings
- losing historic street pattern
- Better alternative sites available- Excessive density
- The proposal will lead to excessive noise and disturbance
- The site is contaminated
- The residents of any development will suffer excessive noise and disturbance from the adjacent railway line
- The density would result in an overdevelopment

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Relevant policies are 3.4, 3.5, 3.8, 3.14, 5.2, 5.3, 6.13, 7.4.

Draft London Plan

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS6, CS9, CS10, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM17.

Supplementary Planning Documents

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of residential development including the density of the development is appropriate for the area;
- 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 proposal will provide suitable accommodation for future occupiers;

5.3 Assessment of proposals

Principle of Development

The principle of residential development on the site was originally established by extant planning permission 16/0650/FUL dated 08 April 2016 for 'Erection of 2no. detached two storey dwellinghouses with associated amenity space, hard and soft landscaping, off-street parking spaces, refuse and cycle storage'.

Prior to this, the Inspector's Report for dismissed appeal reference APP/N5090/W/15/3029375 (decision date 16 September 2015) found that the proposal for back land development would not be out of character with the established streetscene as it would be "a 'one off', being positioned at the head of a cul-de-sac and visually contained by a large block of flats and tall conifer trees, the M1 and the railway, and the existing houses in Maxwelton Close".

Furthermore the principle of a four unit scheme (17/4462/FUL), not significantly different from what is proposed here, has been established. This extant permission (decision date: 08 September 2017) could be advanced and in essence what falls for consideration here is whether the proposed changes provide conflict with policy and would render this scheme inappropriate in comparison to the extant scheme. The following text will undertake the

necessary policy assessment being mindful of a need to draw comparison with the scheme that could be developed.

Potential impact on character and appearance of the existing building, the street scene and the wider locality

Policy DM01 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'.

The proposed design and layout does not significantly alter. In the analysis of the extant consent the introduction of a terrace and a single detached dwelling was considered acceptable as it would only be glimpsed from Maxwelton Close. This position does not change with the proposed amendments. Furthermore the overall character of the cul de sac, which has a relatively strong building line, which provides enclosure and definition to the public realm, would be maintained. The relatively moderate alterations to the layout raise no issues and as detailed above the principle of four dwellings on the plot has been previously settled.

The 4 no. proposed dwellinghouses are considered to represent a good standard of architectural design. The two "bookend" properties in the row of three would be part single part two storey to the front and this offers some variation to an albeit minor housing scheme. The materials used for the proposed dwellinghouses should be similar to the materials used on the existing properties within the streetscene and this can be secured by way of appropriate condition.

The Inspector in the recent appeal stated that the site was 'one off' with it being 'positioned at the head of a cul-de-sac and visually contained by a large block of flats and tall conifer trees, the M1 motorway and railway, and the existing houses in Maxwelton Close'. The Inspector finds that the 'fact that the development would be different to the street scene' would be 'of no consequence, as at most there would only be glimpses of the new houses through the gap between Nos. 20 and 22'. This view is accepted by officers' and the siting of the proposed 4no dwellings back from the Close would not have a significant impact on the character and appearance of the street scene.

The impact on the amenity of neighbouring occupiers

A previous concern which resulted in the refusal of application H/05419/14 was a concern about a potential overbearing impact and overlooking of No. 18 Maxwelton Close. The southern side elevation of this property was positioned 0.25 metres from the northern boundary of No. 18 Maxwelton Close. Its front elevation windows were set at a minimum distance of approximately 15 metres from the rear elevation windows of No. 18 Maxwelton Close. In the inspector's appeal decision for APP/N5090/W/15/3029375, it was stated that although the front elevation windows on the proposed property were set back less than the required 21 metres from the windows of habitable room of an existing property:

"the deficiency of 6m or thereabouts between the proposed and existing pairs of dwellings is more than compensated for by the relationship not being 'direct'. There is a considerable offset in their respective positions, with Nos. 18 and 20 being to the south west of the new dwellings. This would effectively limit direct views and reduce the amount to which privacy would be affected. For the same reason I consider that the proposed dwellings would not be overbearing and oppressive in the outlook from the rooms and gardens of Nos. 18 and 20".

For the current proposal, the garden area of No18 has been reduced to a private amenity area directly behind the dwelling. As such the flank elevation of the end dwelling (18A) would be located adjacent to the rear garden area of No20. The first floor of the dwelling would retain a gap of approximately 2.0m to the boundary. This is reasonable, particularly as the property is served by a long garden area (circa 25.0m) and the dwelling would be located away from the rear elevation and halfway along the flank garden boundary. Its front elevation windows are set back a minimum distance of approximately 12.5 metres from the rear elevation windows at first floor level of the nearest property at No. 20 Maxwellton Close. Whilst this reduces the distance, the windows are still off set and it is not considered the relationship would give rise to excessive overlooking. It is noted that No20 has been extended to the rear on the ground floor and within the roof and this is not shown on the submitted plans. Again the angle would not result in significant overlooking and there is the benefit of boundary treatment to further mitigate the issue.

Furthermore the applicant has indicated that the window openings at first floor level on the front and flank elevations would be obscure glazed. This is necessary to avoid directly overlooking of the gardens of No's 18 & 20. The dwelling would be served by the living/dining area at first floor level and a total of 4 windows (additional 2 overlooking the garden of the proposed dwelling). Whilst not an ideal scenario, a reasonable living environment would result and the design solution can be accepted.

The rear elevation windows of the row of three properties are set back at a minimum of 7 metres from the boundary with Prime Court (and 14m to the rear elevation of the Prime Court building). The extant permission retained a similar separation with Prime Court. There are existing 15 metre tall Conifer trees at Prime Court, adjacent to the boundary with the application site and this was confirmed to be the case during the site visit for this application. Although Barnet's Sustainable Design and Construction SPD (2016) states that for new residential development there should be a minimum distance of 10.5 metres between the windows of a habitable room and the neighbouring garden, it is considered that as the rear elevation windows of the properties in the current proposal are the same as the extant 4 unit scheme there has been no change in circumstances. On balance the distance between the windows and the neighbouring garden is acceptable in terms of its impact on neighbouring amenity, particularly given the screening provided at ground floor by the existing close boarded fence and significant tree cover that exists and is within the boundary of Prime Court and therefore within the control of that neighbouring development.

The western side elevation wall of the proposed single detached property (18D) is set back approximately 9 metres from the boundary with No. 18 Maxwellton Close. To prevent the occupiers of Nos. 18 and 20 Maxwellton Close from suffering a material loss of privacy as a result of overlooking of their rear windows and their rear amenity space, the first floor windows in the western side elevation of the proposed single detached dwellinghouse on the extant scheme was conditioned to be obscure glazed. This is once again deemed necessary to prevent any overlooking. Loss of outlook or loss of daylight/sunlight to Nos. 18 and 20 Maxwellton Close would be similar to the extant scheme and considered acceptable given the significant offset. The proposed detached dwellinghouse would not have an overbearing impact on these properties provided that an appropriate landscaping scheme was provided between it and No. 18 Maxwellton Close.

The windows on the southern side elevation of 18D are set back 11 metres from the boundary with No. 16 Maxwellton Close, which is considered to be an acceptable distance. No. 16 Maxwellton Close has north facing side elevation windows. The northern side elevation windows of 18C face the side elevation windows of No. 16 Maxwellton Close at an angle and at a distance of approximately 25 metres. Due to their height and position it is

considered likely that the southern facing window on 18C will not cause the occupiers of No. 16 Maxwellton Close to suffer a material loss of privacy from their north facing side elevation windows.

The front elevation of 18C is set back approximately 7 metres and 11.0m (owing to the staggered front elevation) from the northern elevation wall of 18D. The front elevation windows of the proposed middle property (18B) are set back approximately 6.5 metres from this northern elevation wall. The windows on 18C serve habitable rooms and in order to protect the privacy of the occupiers of the dwellings opposite, they must be obscure glazed. This can be adequately achieved as one window serves a bathroom and the affected bedroom is served by another window overlooking the railway line.

Due to the proximity of the site to the M1, there would be an unusually high level of background noise. For these reasons it is considered that the occupiers of neighbouring and adjoining properties would not suffer a material loss of amenity as a result of noise and disturbance from people coming and going from the application site and occupation of the application site.

The impact on the amenity of future occupiers

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

Gross Internal Area

The 4 no. proposed dwellinghouses have the following gross internal area (gia):

18A	3 bedrooms, 5 persons	96 sq m
18B	3 bedrooms, 5 persons	96 sq m
18 C	3 bedrooms, 5 persons	96 sq m
18 D	3 bedrooms, 5 persons	102 sq m

Table 3.3 of the London Plan (2016 MALP) and Barnet's policies and table 2.1 of Barnet's Sustainable Design SPD (Oct 2016) set out the minimum residential space standard requirements for new residential units. The required gia for units is as follows:

- 3 bedroom unit for 5 people on two floors requires 93 m²

All of the proposed units meet and exceed these gia requirements.

Bedroom Size

Table 2.2: 'Internal layout and design requirements' of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide to comply with the nationally described space standard.

- Double/twin bedroom: minimum area should be 11.5 m² and minimum width should be 2.75 m to comply with the nationally described space standard.

Whilst 1 double bedroom in 18B reduces in width to approximately 2.5m, at 15.5m in area it far exceeds the required area above, and is therefore considered acceptable.

Floor to Ceiling height

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling. Both of the storeys of each property must meet this requirement. A section drawing has been submitted showing a minimum floor to ceiling height through the proposed development, complying with this requirement.

Amenity Space

The amount of amenity space required for a proposed dwellinghouse is determined by the number of habitable rooms that it has. Table 2.3 of Barnet's Sustainable Design SPD (Oct 2016) contains the requirements for amenity space. The proposed dwellings would have 5 no. habitable rooms so therefore they require 55 m² of amenity space. All properties provide a reasonable and useable area of private rear amenity space. In order to retain adequate privacy 18D will need a close boarded fence to enclose the garden area.

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

The setback of the rear elevation walls of the 18A-C from the northern boundary is relatively shallow and the trees adjoining the boundary are tall. But as the ground floor rear elevations windows are large it is considered that the ground floors of these properties would receive adequate daylight/sunlight.

Once again with the revised scheme the western and northern elevations of 18D are to be obscure glazed. Its southern elevation is setback 11 metres from the boundary with No. 16 Maxwellton Close and its eastern elevation windows overlook a train line and beyond that, the M1 Motorway. On balance the outlook is considered to be adequate.

The front elevation windows of 18B and 18C face 18D. As 18D is relatively narrow the front elevation windows of 18B and 18C will have views of the spaces to the sides of it. The outlook of the first floor rear elevation windows of these properties is considered to be of a high standard. For these reasons the outlook from the front elevation windows of these properties is considered to be acceptable.

Environmental Health

Due to the application site's close proximity to the railway line and M1 Motorway it is necessary to consider the potential impact of noise and air quality on the amenity of the occupiers of the proposed units.

A Noise Impact Assessment undertaken by KP Acoustics in September 2014 was submitted in support of application 16/0650/FUL. This report concludes that - subject to the recommended glazing specification and an acoustic fence to the boundary facing the M1 - the proposed development would be acceptable from a noise perspective. An updated report along with suitable mitigation details will be required by planning condition.

An Air Quality Assessment undertaken by Air Quality Consultants in June 2014 (also submitted in support of application 16/0650/FUL) found that "Existing conditions within the study area show acceptable air quality, with concentrations all below the air quality objectives. Air quality conditions for new residents are therefore judged to be acceptable". An updated report along with suitable mitigation details will be required by planning condition.

The Environmental health section has been consulted in relation to the application and is content that appropriate conditions can mitigate any concerns.

Highways

The proposal is for the addition of 4x 3bed houses to the rear of the existing property at 18 Maxwellton Close NW7. Provision is being made for 5 car parking spaces to be used by the proposed 4 properties, along with provision for 8 cycle parking spaces.

The site lies within a PTAL 2 site which means that there is poor public transport accessibility to and from the site. The provision of 5 car parking spaces is in accordance with requirements set out on Policy DM17 of the London Plan and is therefore acceptable on highways grounds.

A new crossover will need to be constructed in order to provide vehicular access to the development. An application under Section 184 of the Highways Act should be made to the Highways department to be assessed prior to construction of the crossover.

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

Refuse and Recycling

Each of the proposed dwellinghouses requires the following on site waste and recycling provision:

- 1 no. Grey 240 Litre household refuse bin
- 1 no. Blue 240 Litre dry recycling bin
- 1 no. Green 240 Litre garden waste bin

The proposed storage areas would not have a negative visual impact on the character of the streetscene and would be located within the curtilage of the dwellings. Further details of refuse storage areas will be required by condition.

Sustainability

Appropriate conditions requiring sustainable energy use, water usage and accessibility are proposed.

CIL

The proposal is to create new residential floorspace and is therefore CIL liable.

6.4 Response to Public Consultation

The majority of concerns raised have been addressed elsewhere in this report. As discussed the scheme is considered a one off which could assimilate into the character of the immediate area. Highways have raised no concerns in relation to parking and road safety. The proposal does not increase the density from the extant scheme which is considered appropriate for the area. The extant permission is a material planning consideration of significant weight and this scheme is not considered to deviate from that consent in a way which would justify a different outcome on this occasion.

7. 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.

8. Conclusion

Having taken all material considerations into account, it is considered that the proposed amended scheme raises no issues over the extant permission which could not be dealt with by appropriate conditions. The proposal generally complies with adopted policy and would make appropriate and efficient use of a previously developed site. Whilst the concerns of neighbours are acknowledged it is considered the general principle and finer details of what is proposed is considered acceptable. This application is therefore recommended for approval.



Location SweetTree Fields Marsh Lane London NW7 4EY

Reference: 17/7627/RCU

Received: 30th November 2017

Accepted: 14th December 2017

Ward: Hale

Expiry 8th February 2018

Applicant: Mr Barry Sweetbaum

Proposal: Use of agricultural land for care farming with retention of ancillary buildings, structures and pathways (RETROSPECTIVE APPLICATION)

AGENDA ITEM 12

Recommendation: Approve subject to conditions

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

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

Drawing no. 01 Rev B; Drawing no.02 Rev D; Drawing no. 30 Rev P3; Drawing no. 31 Rev P3; Drawing no. 32 Rev P3; Drawing no. 33 Rev P3; Drawing no. 34 Rev P3; Drawing no. 35 Rev P3; Drawing no. 36 Rev P3; Drawing no. 37 Rev P3; Drawing no. 38 Rev P3; Drawing no. 39 Rev P3; Drawing no. 40 Rev P3; Drawing no. 46 Rev C; Drawing titled "Landscape and Visual Analysis"; Green Belt Statement received 3rd January 2018; Arboricultural Report by The Mayhew Consultancy Ltd Ref AR/56217 dated January 2018; Existing Drainage Provision by CD Gray dated January 2017; Farm Management Plan V05.2018; Preliminary Ecological Appraisal by Ecosulis Ref J006379; SFFA Activities Overview.

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 infirmary shall be relocated away from the woodland to the area indicated on the hereby approved Drawing no.02 Rev D within three months of the date of approval and permanently retained as such thereafter.

The area of woodland identified on drawing no.02 Rev D shall at no time be used for any activities associated with the care farming use.

Reason: To ensure that the development represents high quality design and meets the objectives of development plan policy as it relates to woodland and biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan, Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), and Policies 7.19 and 7.21 of the London Plan (2016).

- 3 The details comprising a scheme of measures to enhance and promote biodiversity at the site as redeveloped as detailed in the hereby approved Farm Management Plan V05.2018 shall be implemented in full in accordance with the approved details within 12 months of the approval.

Reason: To ensure that the development represents high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policies 5.11 and 7.19 of the London Plan (2016).

- 4 No activity relating to care farming shall be carried out at any time within the area indentified as woodland as indicated on hereby approved drawing no. 02 Rev D.

Reason: To ensure that the development represents high quality design and protects the woodland and the ecology of the site in accordance with policies DM01 and DM16 of the Barnet Local Plan and policies 5.11 and 7.19 of the London Plan (2016).

- 5 The premises shall be used for care farming (sui generis) 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).

No activities other than those listed on hereby approved document titled "SFFA Activities Overview" and activities relating to farming shall be carried out on the site.

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

- 6 The care farming use hereby permitted shall be used only by clients, workers, volunteers and others explicitly listed on the hereby approved Farm Management Plan V05.2018, and shall not be used by the general public or corporate entities.

There shall be no more than 55 people on site at any one time.

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area and nearby residents, in accordance with Policy DM01 and DM04 of the Local Plan Development Management Policies DPD (adopted September 2012)

- 7 The site shall not be open to clients and carers before 8am or after 6pm Mondays to Fridays, before 8am and 5pm Saturdays, and before 10am and after 2pm on Sundays and Bank Holiday.

No deliveries, works by external contractors or use of power tools shall be carried out before 8am or after 6pm Mondays to Fridays, before 8 am and after 2pm on Saturdays, and not at all on Sundays or Bank Holidays.

Reason: To ensure that the use does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

- 8 The number of animals under the control of the applicant on the site shall be no more than 40 sheep, 22 lambs, 26 chickens, 3 rabbits, 4 ducks, 2 goats, 2 donkeys and 3 pigs as listed on the Farm Management Plan V05.2018.

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 and nearby residents, in accordance with Policy DM01, DM04 and DM16 of the Local Plan Development Management Policies DPD (adopted September 2012), and policies 5.11 and 7.19 of the London Plan (2016).

- 9 a) Within six months of this approval a parking management plan/ statement and service/ delivery management plan shall be submitted to and approved in writing by the Local Planning Authority. The service/delivery management plan shall detail how to prevent multiple vehicles servicing the site at once and how it will be ensured that the impact of service vehicles in the future will be minimalised.

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

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.

Informative(s):

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

- 2 The applicant is advised that this application and permission is limited to the structures shown on the hereby approved plans. The application does not grant consent for the existing yurt or any use associated with this structure or any other, which do not benefit from planning permission.
- 3 The applicant is advised that in accordance with the site being a SINC (Site of Importance for Nature Conservation), an animal welfare plan shall be adhered to, as stipulated in the hereby approved Farm Management Plan.
- 4 The applicant is advised that this permission does not grant consent for the accommodating corporate events or any other uses other than care farming.
- 5 The applicant is advised to provide journey planning advice on their website; this journey planning advice should also contain a few details on the lay out and operation of the access and the site to ensure the efficient use of the site continues.
- 6 One of the key elements of the reserve is the pasture herbs within the fields, these plants are at risk from form over grazing and trampling by livestock. The applicant is advised that the stocking levels and stock management must make active management decisions to ensure that these herbs are allowed to thrive on the site. For example Pigs should be avoided as they will root up plants and destroy the herbs and grass in the fields; the use of chemical (salt based) fertilisers and herbicides are detrimental to these plants and water courses, their use must be strictly limited or band from the reserve. Pesticides should also be avoided at all times as they will affect the bio-diversity of the insect populations effecting bat foraging, feeding birds and water courses.

Officer's Assessment

1. Site Description

The application site is located on the north of Marsh Lane, behind the rear of properties on this road. The site is mainly enclosed by residential development along Marsh Lane to the South and Glenwood Road to the West, and covers 6.42 hectares.

To the northeast, the site abuts another farm which operates independently. The area towards to the northeast forms part of the Mill Hill Conservation Area. The only area of the site which lies within the Conservation Area is a relatively small section of the entrance of the site

The site has a single access point which is secured by metal gates, in between the Rising Sun pub (statutory listed building) and York Lodge, Highwood Hill, NW7 4HA.

The site is located on land which is designated as Green Belt.

The site benefits from two certificates of lawfulness applications which confirm the lawful use as agricultural land.

The site levels fall significantly from South to North, the site is predominantly open with some field enclosures but is also subject to substantial tree cover.

The applicant has stated that SweetTree Fields Farm was established in 2013 and used for farming where care farming programmes are offered to those with "learning disabilities, brain injuries, dementia and mental health needs living in the local community". The site and its use was initially sponsored by SweetTree Home Care Services and after 2014, SweetTree Farming for All, a new Community Interest Company (CIC) was established which combined the care farming expertise of Farming for All CIC and the community care and support experience of SweetTree Home Care Service.

2. Relevant Site History

Reference: 15/02578/FUL

Address: Sweet Tree Fields Farm Marsh Lane London NW7 4LG

Decision: Withdrawn application

Decision Date: 29.09.2015

Description: Erection of single storey outbuilding

Reference: H/00483/13

Address: Sweet Tree Fields Farm, (Formally Bruno's Field), Land At Rear Of Glenwood Road And Marsh Lane, London, NW7

Decision: Lawful

Decision Date: 13.03.2013

Description: Continued use as agricultural land.

Reference: H/00484/13

Address: Sweet Tree Fields Farm, (Formally Bruno's Field), Land At Rear Of Glenwood Road And Marsh Lane, London, NW7

Decision: Lawful

Decision Date: 13.03.2013

Description: Continued use as agricultural land.

3. Proposal

The applicant seeks planning permission for the retention of the agricultural land for care farming including the retention of ancillary buildings, structures and pathways.

The ancillary buildings (all structures are single storey in height) relating to the care farming are as follows:

- An infirmary for the sick lambs with an area of 20sqm. At present this is located within the area identified as woodland however the application seeks to relocate this close to the lambing pens;
- Farm shelter with an area of 176.4sqm;
- Toilet with an area of 3.3sqm;
- Woodchip store with an area of 36.4sqm;
- Shed 2 with an area of 8.3sqm;
- Shed 2 with an area of 7.3sqm;
- Shed 3 with an area of 3.4sqm;
- Store with an area of 27.4sqm including a covered walkway;
- Stable with an area of 25.8sqm including a 5.2sqm covered walkway;
- Pigsty with an area of 22sqm.

The applicant has provided details of the activities that take place on site including daily horticultural therapy for those attending the site, and daily animal husbandry programmes involving sheep and lambing, rabbits, donkeys, chickens and goats. The applicant has stated that the diversity in the attendees including referrals from special needs schools, families, Barnet Social Services, third party referrals and those discharged from hospitals. The care farming activities operate 7 days a week.

The submitted Farm Management Plan details that the visitors on the site include SFF clients, support workers, carers/ parents, volunteers and workers including those servicing the farm. The applicant has stipulated that there are normally between 15-20 clients at any one time, arriving at 10am and leaving between 3:30 and 4:40pm. In addition, there are approximately 15 support workers (normally 1 or 2 support workers per client) and 10 volunteers on the site. There are between 6 and 10 members of staff employed by SweetTree Farming for All.

On average, there are 15 non-farming related vehicles accessing the site and 5 additional vehicles for servicing.

The animal inventory detailed in the Farm Management Plan stipulates the following animals:

- 40 sheep including (18 ewes and 22 lambs);
- 26 chickens;
- 3 rabbits;
- 4 ducks;
- 2 goats;
- 2 donkeys;
- 3 pigs.

4. Public Consultation

Consultation letters were sent to 415 neighbouring properties.

95 responses have been received, comprising 72 letters of objection, 19 letters of support and 3 letters of comment.

The objections received can be summarised as follows:

Green Belt

- Green belt destruction/ inappropriate development in the Green Belt;
- Green Belt should be protected;
- Concern for long term effects of overdevelopment;
- Opening floodgate to further unwanted development such as housing;
- Other areas where this work could be carried out;
- No case for very special circumstances;
- Proposal hinges on social benefit however there is a nearby farm which provides a similar social benefit/ the same outcome can be achieved in a different location (city farms);
- Use incongruous with Green Belt.

Use

- Mill Hill Neighbourhood Forum opposes to any use of the land that is not purely agricultural.
- Out of town location in an unsustainable location;
- Unlawful structures are unsightly.

Conservation Area

- Impact the proposed development will have on the area as a site of interest for nature conservation through the suggested changes in character and setting;
- Impact on the character and setting of conservation area.

Amenity

- Strong concern regarding the impact on the beauty and serenity of the site due impacts on views;
- Loss of privacy and opportunity to overlook including the enjoyment of green space;
- Dangerous of trespassing to neighbours gardens;
- Loss of views;
- Noise- disturbance created through increase in noise and public footfall;
- Noise from animals;
- Activity early in the morning/ late in the evening;
- Unhygienic conditions;
- Increase in activity on the site.

Ecology

- Loss of wildlife/ site is designated Site of Borough Importance for Nature Conservation. Every effort should be made to conserve wildlife.
- Protected species on the site;
- Restriction on the use of pesticides;
- Ecological appraisal does not consider the habitats already lost or degraded by the structures or the introduction of the roads;
- Introduction of pigs would be detrimental to habitats;
- The need for some structures has not been justified;
- No measure to prevent surface water flooding.

Highways

- Traffic congestion; concern for traffic increase and parking facilities;

- A transport statement should be provided to assess impact;
- Effects on pedestrian movement and safety.

Other

- Small step towards more development on the site/ intention to construct housing;
- Works carried out without consent;
- What will happen to the site if the Sweet Tree cannot operate on the land;
- Problems of sewage due to the number of animals;
- Restriction on any lighting.

Representations received can be summarised as follows:

- Social benefits; provides an important social purpose offering the local community the chance to meet, mix and socialise in a neutral environment;
- Farm allows students to mix with animals and learn transferable skills;
- Increases employment;
- Small scale relative to the site;
- Educational benefits; opportunity for all ages and abilities to develop valuable life-skills e.g. cooking and gardening.
- Biodiversity benefits; enhance & preserve biodiversity habitats (wetland, woodland and grass).
- Prevention; prevents land from becoming derelict and unsightly.
- No similar facilities in the area;
- Many of the objections focusing on the possible further development of the site however this is not relevant;
- Farm itself is a carefully constructed and environmentally sympathetic facility which takes every care to minimise environmental impact.

The Mill Hill Conservation Area Advisory Committee provided the following comments:

"This application is to regularise developments on the land which have taken place without planning permission. The owner of the land has without permission used the land as an educational and rehabilitation centre and erected structures such as an infirmary, stable, pig sty, toilet shed, wood chip store and a farm shelter. In addition to these unpermitted buildings he has built a road accessing these buildings and for which planning permission has not been obtained. The committee felt that if these structures were granted permission, the owner would be in a better position to apply for permission to build houses associated with his "care farming" activity, an activity he clearly wishes to develop. The committee believed that the land was originally unspoilt Green Belt and has been designated as an area of Borough Importance for Nature Conservation. They felt that if the Green Belt status and nature conservation qualities of the land were to be protected the existing structures should be removed and this application refused."

The Council's Adult Social Services were consulted however no comments were received.

In addition, the Council's Highways and Arboricultural Consultant were consulted and involved in lengthy discussions. Following clarifications, the proposal was considered by both to be acceptable subject to conditions. The report will detail below the highways and arboricultural assessment separately.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

The London Plan 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, CS7, CS9, CS10, CS11, CS13
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM13, DM15, DM16, 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

Mill Hill Character Appraisal

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the use is appropriate for the Green Belt;
- Whether harm would be caused to the character and appearance of the street scene and the wider locality including the Mill Hill Conservation Area;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to traffic and parking
- Whether harm would be caused to existing trees, landscaping and ecology.

5.3 Assessment of proposals

Principle of care farming and impact on the openness of the Greenbelt

Section 9 of the National Planning Policy Framework (NPPF) sets out the Government's approach to protecting Green Belt Land, and the Council's Planning Policy DM15 of the Core Strategy reiterates the NPPF's requirements.

Paragraph 79 of the NPPF indicates that openness is an essential characteristic of the Green Belt. Furthermore, paragraph 80 stipulates that the Green Belt serves the following principals: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

In addition, the NPPF outlines in Paragraph 89 that new buildings in the Greenbelt are inappropriate, with the exception of (in part) a limited number of scenarios to this general approach.

The NPPF advocates that inappropriate development should not be approved except in very special circumstances, and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The NPPF makes it clear that substantial weight should be given to any harm to the Green Belt and exceptions of appropriate buildings include buildings for agriculture.

London Plan policy 7.16 states that the strongest protection should be given to London's Green Belt, in accordance with national guidance. Inappropriate development should be refused, except in very special circumstances. Development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt as set out in national guidance.

Policy DM15 of the Development Management Policy DPD reiterates the NPPF's requirements and states that development in the Green Belt will only be acceptable where they are essential facilities for appropriate uses which do not have an adverse impact on the openness of the Green Belt. The Council's Policy (DM15) also states that the construction of new buildings within the Green Belt, unless there are very special circumstances, will be inappropriate, except for...agricultural purposes. The supporting text to the policy confirms that appropriate development in the Green Belt includes development for agriculture.

As detailed above, the lawful use of the site is as agricultural land (this has been established by two certificates of lawfulness applications). There are several structures across the site and it must be noted that some of these existing structures do not relate directly to farming on the site; these have not been included as part of this application for retention and are subject to separate enforcement investigations. The structures that the applicant is seeking to retain are listed in section 3 above and include farm shelter, infirmary for the sick lambs (which is proposed to be relocated), 3no sheds, stores, woodchip storey, stable and pigsty. It is considered that these structures are reflective of and required for the agricultural. The toilet, whilst not directly essential for the agricultural use of the land, is an essential facility for workers on the land. Considering all of this, it is not considered that these structures would constitute unacceptable development within the Green Belt.

In terms of the impact of the proposal on the openness of the area, the NPPF makes it clear that an essential characteristic of Green Belts is their openness. Open means the absence of development, irrespective of the degree of visibility of the land in question from public vantage points. When considering the proposed development, the scale of the structures is relatively modest and reflective of the agricultural use. The siting of these is generally across the site, apart from the farm shelter, store and sheds towards the south of the site. On balance however, it is not considered that the structures have a material impact on the openness of the site and the site retains views to the large number of trees, meadows, pastures and cultivated areas.

In terms of the paths, whilst these have formalised the land to some degree, the applicant has demonstrated that these are required for the operation of the farm. There are two types of access across the site; the main route for non-farming vehicles on a "hardstanding" type route; the second paths are woodchip paths of varying width which facilitate access across the site for the farming vehicles and tractors. On balance, the paths, whilst formalising the land are reflective of the agricultural use, would retain the openness of the site.

The care farming use utilises the agricultural activities to educate clients with special needs and mental health issues, and the immersive programme allows clients to develop everyday skills. The application does not propose the retention of any structures other than those reflective of the agricultural use. It is considered that the care farming, given the links to the agricultural use is appropriate for the site and is acceptable in principle.

The Council acknowledges that the proposed use would have positive benefits in creating opportunities for vulnerable citizens, with protected characteristics under the Equality and Disabilities Act, and weight should be given to these circumstances.

Considering all of the above, the use, structures and paths are considered to reflect the character and openness of the Green Belt and officers consider that the proposal is acceptable in this regard.

Impact on the character of the area and on the character of the Conservation Area

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

Policy DM01 of the Development Management Policies (Adopted) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

In addition to the NPPF, Policy CS5 of the Core Strategy states that the Council "will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design". In addition to this, Policy DM01 of the Council's Development Management Policies 2012 states that "development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets... development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused".

Although not all, the entrance of the site is located within the Mill Hill Conservation Area. The proposed buildings are low level and of an agricultural nature in keeping with the land use. Furthermore, there is no public visibility of the buildings from the streetscene given the setting, access and topography and therefore in this regard the existing structures, which are proposed to be retained as part of this application, are considered to have an acceptable impact on the rural character of this section of Mill Hill.

Impact on the amenities of neighbours

Any scheme will be required to address the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

The structures are arranged generally around the centre and south of the site, adjacent to the boundaries with no.115 and 117 Marsh Lane. As mentioned, the structures are single storey in height and given the topography and distance are not considered to result in direct overlooking into the gardens of neighbouring occupiers. Similarly, whilst there would be up to the 55 people on site, it is not considered that this is unacceptable to the visual and aural amenities of neighbouring occupiers; the size of the farm has been considered as well as the dispersion of the structures and activities across the site.

Whilst it is accepted that there is an increase in the level of activity compared to the lawful use as agricultural land, it is not considered that this is a material increase in the comings and goings adjacent to neighbouring properties to warrant refusal of the application. The number of people on site at any given time has been conditioned to no more than 55 and the hours of operation have also been restricted. It is considered that this will prevent unacceptable levels of noise and disturbance to neighbouring occupiers.

The access road adjacent to York Lodge and the Rising Sun Pub is the sole access road into the site. Whilst the level of activity has increased from the lawful position by virtue of the care farming use and the requirement to drop off/ collect clients, it is considered that this impact is intermittent and on balance not considered to result in unacceptable levels of noise and disturbance to neighbouring occupiers.

The occupiers on Glenwood Close and Worcester Crescent (to the west and northwest of the site respectively) are situated a considerable distance from the general farming activity. The woodland area has been removed from the care farming use (as detailed on drawing no.02 Rev D) offers a visual and acoustic barrier to these residential properties.

There is no planning restriction that can be placed on the number of animals on site under the lawful use, however given that the application is for a sui-generis use encompassing agricultural activities, it is considered to be appropriate to attach a condition restricting the number of animals to limit the noise (in addition to the impact on the ecology and land).

The applicant has provided details with regards to the number of occupiers, vehicular movements within the site and the number and type of animals; several of these details have been conditioned to allow a suitable level of control over the activity on the site. On balance, it is considered that the level of activity when controlled by the recommended conditions, would ensure that the use does not result in unacceptable levels of noise and disturbance to neighbouring occupiers.

Traffic and parking

The Council's Highways officers have reviewed the information submitted and considers that subject to conditions requiring a parking management plan and service management plan, the use is acceptable on highways grounds. The comments provided by the Highways officer are provided below.

The applicant's information has detailed that there are normally between 10-15 cars parked on the site at any one time. Cars servicing or delivering goods to the farm access the site within working hours.

Non-farming vehicles are restricted to hard-standing roads as shown on Drawing no. 46 Rev C.

The applicant has detailed that most clients (between 15 and 20 at any one time) travel by car and are dropped off by carers or support workers, most of which do not star on the site. The hours of arrival are approximately 10am and between 3:30 and 4:40pm for departure.

Site Operation/ Road Safety & Parking

The information submitted shows that the existing situation is well monitored and considered. There are passing bays and a well monitored and managed site access and car park. Which ensures pedestrian vehicle conflict is kept to a minimum around the site and around and in the access. In terms of road safety within the site, in the access and on the immediately surrounding highway network, it is considered that the use based on the total number of people is acceptable.

As stated above, the parking area is well thought out and operates well. It is suggested that going forward a parking management plan/ statement is conditioned to ensure that this continues throughout the usage of the development/ site; this has been attached to the recommendation.

Delivery/ Servicing

Officers consider that suitable details have been submitted on this matter. The level of trip generation by the types of vehicles associated with the agricultural and care farming use are unlikely to impact on the surrounding highway network. However to ensure this practice remains going forward a service/ delivery management statement will be conditioned. This should capture a number of principles to will reduce the likelihood of multiple vehicles servicing the site at once and ensure the impact of service vehicles in the future will be minimalised.

Journey Planning Advice

Using information displayed on trip generation data bases to assess the level of trips associated with the existing use and given the small size of the development (in agricultural terms) the level of trip generation would be minimal.

It has been recommended that to ensure minimal disruption to the local highways network, the applicant is advised to provide journey planning advice on their website; this journey planning advice should also contain a few details on the layout and operation of the access and the site to ensure the efficient use of the site continues. This has been added as an informative to the recommendation.

Summary

Highways officers consider that the applicant has provided sufficient information to ensure the continuation of use will not generate a significant impact on the performance and safety of the surrounding highway network, the proposed conditions will ensure the site continues to operate in an efficient manner in the future. Given the lawful use of the site as agricultural land and the relatively modest size of the farm, it is reasonable to assert that this application does not represent an intensification of use in terms of highways activity. Subject to conditions, the use is considered to be acceptable on Highways grounds.

Trees and Ecology

Policy DM01 of the Adopted Barnet Development Management Policies advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

Trees make an important contribution to the character and appearance of the borough. Trees which are healthy and are of high amenity value can be protected by the making of a Tree Preservation Order (TPO) under the Town and Country Planning Act 1990. Tree Preservation Orders can help to protect trees from inappropriate treatment and prevent their removal, as permission must first be sought from the council to carry out most types of tree surgery.

Several of the trees are covered by a Tree Preservation Order (TRE/HE/49).

The Council's tree officer has undertaken a site visit and has reviewed the submitted information and raises no principle objection to the proposal. The Council's Arboriculturalist has been involved in extensive discussion with the applicant and commented on the various revisions of the Farm Management Plan.

No trees are proposed to be removed. The Arboricultural Report provided by the applicant was reviewed by the Council's Arboriculturalist. The report noted that there are no proposed specific tree protection measures required for the use and as such the use and agricultural activities would not have any future impact on protected trees; the findings have been agreed by the Council's Arboriculturalist. Works on the site will be based on risk management principles to prevent damage to trees.

The NPPF advocates that the planning system should contribute to and enhance the natural and local environment including "protecting and enhancing valued landscapes" and "minimising impacts on biodiversity".

Policy 7.19 of the London Plan advocates that on Sites of Nature Conservation, development proposals should "give sites of borough and local importance for nature conservation the level of protection commensurate with their importance". In addition, policy 7.19 E states:

"When considering proposals that would affect directly, indirectly or cumulatively a site of recognised nature conservation interest, the following hierarchy will apply:

1. avoid adverse impact to the biodiversity interest
2. minimize impact and seek mitigation
3. only in exceptional cases where the benefits of the proposal clearly outweigh the biodiversity impacts, seek appropriate compensation."

Policy DM16 stipulates that "when considering development proposals the Council will seek the retention and enhancement, or the creation of biodiversity". In addition, "where development will affect a Site of Importance for Nature Conservation and/or species of importance the council will expect the proposal to meet the requirements of London Plan Policy 7.19E."

In terms of ecology, Sweet Tree Farm formally known as Bruno's Field is designated a Site Of Borough Importance for Nature Conservation (SINC) the citation for the nature reserve is briefly described as:

"This steeply sloping site has a varied topography. On higher ground there are dry areas, while lower down there are areas of bog crossed by several small streams. The field has typical pasture herbs, a scattering of mature trees and a wide variety of birds."

SINCs support a wide variety of fauna that may commute to and from the site. Bird and invertebrate species are particularly important in most of the sites. The flora is also species-rich.

One of the key elements of the reserve is the pasture herbs within the fields, these plants are at risk from form over grazing and trampling by livestock. The stocking levels and stock management must make active management decisions to ensure that these herbs are allowed to thrive on the site. For example Pigs should be avoided as they will root up plants and destroy the herbs and grass in the fields; the use of chemical (salt based) fertilisers and herbicides are detrimental to these plants and water courses, their use must be strictly limited or band from the reserve. Pesticides should also be avoided at all times as they will affect the bio-diversity of the insect populations effecting bat foraging, feeding birds and water courses. This has been added as an informative as part of the recommendation.

The applicant has submitted a preliminary ecological appraisal which evaluates the ecological value of the site and assesses the ecological impacts of the scheme, including identifying possible ecological enhancements that could be incorporated into the development. The document details that the site has been divided into seven habitats, which could support opportunities for particular habitat species. The document states :

"The proposals for the site will not affect any woodland on site or opportunities associated with the SINCs in the local area, therefore no direct or indirect impacts are anticipated. The woodland on site should be managed appropriately in the long term, with a suitable buffer incorporated"

The report details that there may be high opportunities for roosting bats and birds' nests within the area of the woodland, however during the course of the application the woodland has been removed from the area of farmland activity as indicated on drawing no. 02 Rev D. It has been conditioned that this area shall not be used for any activities associated with the care farming use to protect the ecological value of the woodland.

Furthermore, several trees on the site were identified as providing good habitats for several species, however no works are being carried out near these trees.

In addition, the Farm Management Plan details ecological measures which will be required to be carried out; a condition has been attached requiring this.

The aims in the woodland are now acceptable and it is now excluded from teaching activities; it is therefore considered that if managed appropriately the use would not have a significant impact on the ecology of the site. The applicant has proposed an ecological protection plan which seeks to preserve the ecological value of the site. On balance, given the limited number of buildings, removal of the woodland from the care farming use and limitations on number of animals, it is considered that the proposal would have a suitable impact on the ecology of the site.

5.4 Response to Public Consultation

Planning related objections have been addressed in the report above.

6. Equality and Diversity Issues

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

It is considered that the applicant is within a protected group (disability). It is acknowledged that the proposals would benefit several individuals with learning difficulties, brain injuries and mental health issues within the site.

S149 (5) of the Act requires that the Council have due regard to the need to:-

'(5) having due regard to the need to foster good relations 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) Tackle prejudice and
- (b) Promote understanding'

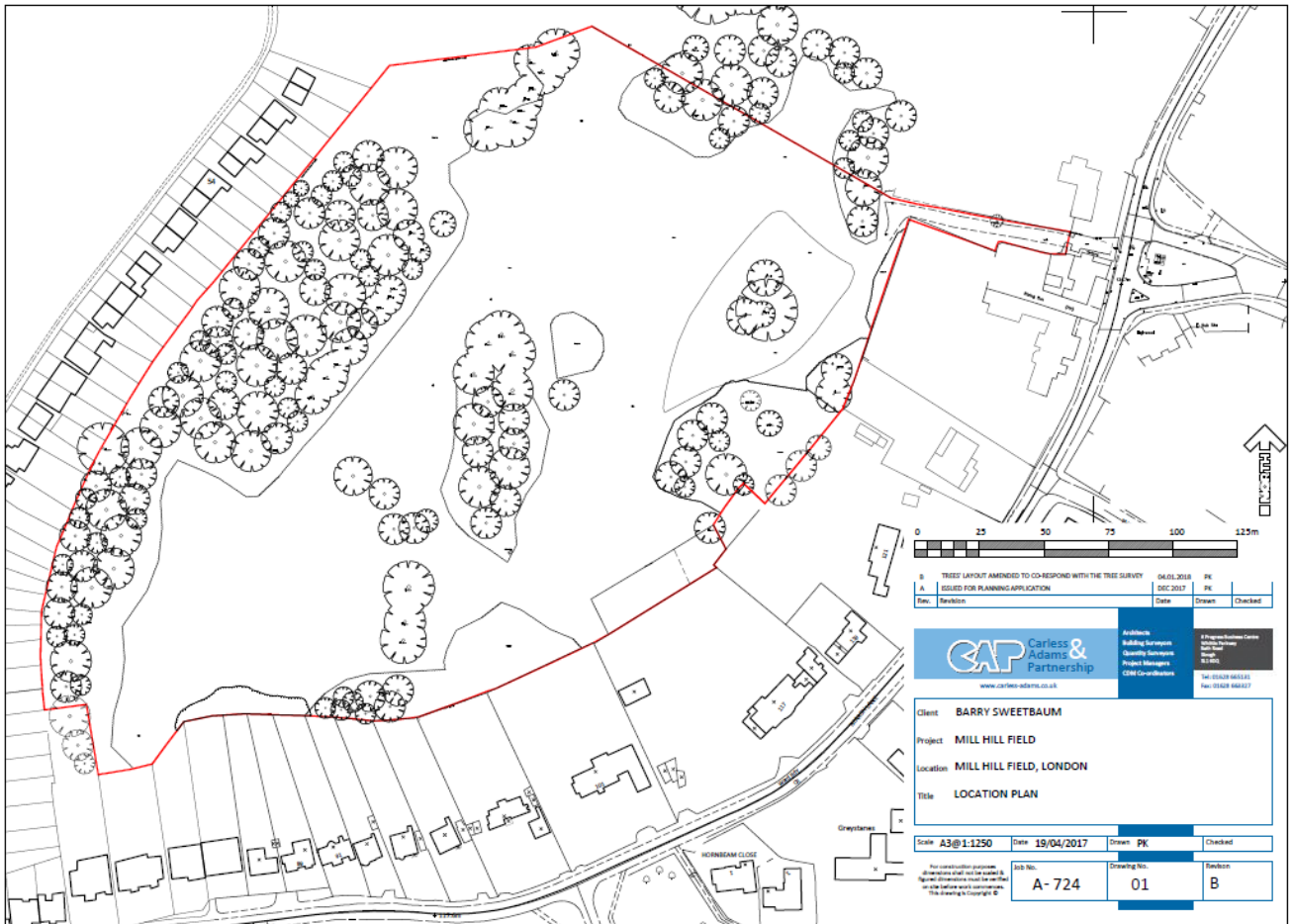
It is considered that the planning application itself provides an opportunity for an understanding of disabilities to be promoted.

In determining this planning application the Local Planning Authority must have due regard to the equalities impacts of the proposed redevelopment of the site 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 potential equality impacts have been highlighted above. 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 particularly the specific group of individuals.

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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