

MEETING

FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE

DATE AND TIME

MONDAY 23RD JULY, 2018

AT 6.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

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

Chairman: Councillor Eva Greenspan
Vice Chairman: Councillor John Marshall MA (Hons)

Councillor Alan Schneiderman	Councillor Claire Farrier
Councillor Melvin Cohen	Councillor Shimon Ryde
	Councillor Danny Rich

Substitute Members

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

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

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

Andrew Charlwood – Head of Governance

Governance Service contact: Tracy Scollin 020 8359 2315 tracy.scollin@barnet.gov.uk

Media Relations contact: Gareth Greene 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	5 - 18
2.	Absence of Members (If any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (If any)	
4.	Report of the Monitoring Officer (If any)	
5.	Addendum (if applicable)	
6.	20 Wordsworth Walk, London NW11 6AU TPF/0183/18	19 - 30
7.	Olympia House Armitage Road London NW11 8RQ 18/1823/FUL	31 - 42
8.	70 North End Road London NW11 7SY 18/1480/FUL	43 - 54
9.	Finchley Police Station, 193 Ballards Lane, London N3 1LZ 18/2039/FUL	55 - 102
10.	Tudor Court 2 Crewys Road London NW2 2AA 17/3921/FUL	103 - 118
11.	202 - 208 Regents Park Road London N3 3HP 18/2666/FUL	119 - 126
12.	5 Beaumont Close London N2 0GA 18/2471/FUL	127 - 148
13.	80A Westbury Road London N12 7PD 18/1802/HSE	149 - 156
14.	179 Regents Park Road London N3 3PB 18/3019/FUL	157 - 172
15.	5 Church Mount London N2 0RW 17/5814/HSE	173 - 186
16.	31 Cadogan Gardens London N3 2HN 18/3218/RCU	187 - 194
17.	Flats 3 And 4 146 Hendon Lane London N3 3PS 18/1404/FUL	195 - 206
18.	1069 Finchley Road London NW11 0PU 18/1947/S73	207 - 228

19.	138 Hendon Lane London N3 3PS 17/7880/HSE	229 - 238
20.	138 Hendon Lane London N3 3PS 17/7884/HSE	239 - 248
21.	39 Harman Drive London NW2 2ED 18/3330/RCU	249 - 256
22.	67 Church Lane London N2 8DR 18/2950/RCU	257 - 264
23.	1 Bute Mews London NW11 6EQ 18/1275/S73	265 - 290
24.	2 Dollis Road London N3 1RG 18/2369/FUL	291 - 312
25.	First Floor Flat 53 Princes Avenue London N3 2DA 18/1787/FUL	313 - 328
26.	Any item(s) the Chairman considers are urgent	

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Decisions of the Finchley and Golders Green Area Planning Committee

20 June 2018

PRESENT:-

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

Councillors:

Councillor Alan Schneiderman
Councillor Melvin Cohen

Councillor Shimon Ryde
Councillor Claire Farrier

Apologies for Absence

Councillor Danny Rich

1. MINUTES OF LAST MEETING

The minutes were approved as an accurate record.

2. ABSENCE OF MEMBERS (IF ANY)

Apologies were received from Councillor Danny Rich.

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

Councillor Cohen declared a non-pecuniary interest in relation to Item 11; (Land to the rear of 1069 Finchley Rd) the premises were close to his office.

AGENDA ITEM 1

Councillor Ryde declared a non-pecuniary interest in relation to items 11, 16 and 20 Tudor Court and 1-12 Gloucester Gardens, as some of the names were known to him. He had previously declared an interest

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM

An addendum was received in relation to items 6,7,8,16,20 and 23.

6. 70 NORTH END ROAD, NW11 7SY 18/1480/FUL

The item was deferred as at the site visit the previous day there had been no access to the site.

7. 44 GLEBE ROAD, N3 2AX 18/1545/FUL

The Planning Officer presented the report and addendum.

A resident who had registered an objection was not in attendance.

The applicant addressed the Committee.

It was noted that 3 conditions had been added and were included in the addendum.

The vote was recorded as follows:

For (approval) - 3

Against (approval) 2

Abstained – 1

It was resolved that the application was APPROVED

8. GARAGES TO THE REAR OF 1-12 GLOUCESTER GARDENS, GOLDERS GREEN ROAD, NW11 9AA 18/0779/FUL

Councillor Ryde left the room for this item.

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

Two residents, Ms Susan Birnbaum and Mrs Marijke van Kleeff, spoke in objection to the application.

The applicant also addressed the Committee.

The vote was recorded as follows:

For (approval) – 5

Against (approval) – 0

It was resolved that the application was **APPROVED**.

9. OAK LODGE, 54 THE BISHOPS AVENUE, LONDON N2 0BE 17/6561/FUL

The Planning Officer presented the report and addendum to the Committee. It was noted that the addendum contained an amended condition.

Mr Jeffrey Kagan spoke in objection to the application.

The agent for the applicant addressed the Committee.

The vote was recorded as follows:

For (refusal) – 6

Against (refusal) - 0

It was resolved that the application was **REFUSED**.

10. ASTON HOUSE CORNWALL AVENUE LONDON N3 1LF 18/1678/FUL

The Planning Officer presented the report to the Committee.

A resident who had registered an objection was not in attendance.

The applicant was present but did not speak.

The vote was recorded as follows:

For (approval) – 0

Against (approval) – 6

The Chairman moved to REFUSE the application for the reasons below. This was seconded by Councillors Marshall and Farrier.

1. The proposed development, by reason of its size, siting, bulk and massing, would appear overbearing and visually dominant within the streetscene, to the detriment of the character and appearance of the area. The proposal would be contrary to policy 7.4 of the London Plan, policies CS1 and CS5 of the Barnet Local Plan Core Strategy DPD (2012) and policy DM01 of the Barnet Local Plan Development Management Policies DPD (2012).
2. The proposed development does not include a formal undertaking to submit a full travel plan and monitor its progress, to mitigate the on-street parking impact in the vicinity of the site, contrary to policy CS9 of Barnet's Adopted Core Strategy (2012), policy DM17 of the Adopted Development Management Policies DPD (2012) and the Planning Obligations SPD (2013).

The vote was recorded as follows:

For (refusal) – 6

Against (refusal) - 0

Carried – the application was **REFUSED**.

11. LAND TO THE REAR OF 1069 FINCHLEY ROAD, NW11 0PU 18/2056/S73

Councillors Ryde and Cohen left the room for this item.

The Planning Officer presented the report to the Committee.

Mr Banerjee spoke in objection to the application.

The Interim Area Planning Manager agreed to check with Enforcement Officers that there were no current enforcement concerns in relation to this application.

Victoria Barrett, Planning Agent for applicant, addressed the Committee.

The vote was recorded as follows:

For (approval) – 4

Against (approval) – 0

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

12. ANNEXE LAND TO 765 FINCHLEY ROAD, HODFORD ROAD, NW11 8DS 17/6370/FUL

The Planning Officer presented the report to the Committee.

A resident who had registered an objection was not in attendance.

The architect for the applicant addressed the Committee.

For (approval) – 0

Against (approval) - 6

The Chairman moved to refuse the application for the reasons below, and was duly seconded by Councillor Ryde:

1. The proposed development, by reason of the design of the houses, would fail to respect the appearance of the surrounding area, to the detriment of the character and appearance of the locality. The proposal would be contrary to policy DM01 of the Barnet Local Plan Development Management Policies DPD (2012), policies CS1 and CS5 of the Barnet Local Plan Core Strategy DPD (2012) and the Residential Design Guidance SPD (2016).

2. The proposed development, by reason of its size, siting and design, would appear overbearing and visually intrusive, detrimental to the residential amenities of the occupiers of the neighbouring properties. The proposal would be contrary to policy DM01 of the Barnet Local Plan Development Management Policies DPD (2012), policies CS1 and CS5 of the Barnet Local Plan Core Strategy DPD (2012), the Residential Design Guidance SPD (2016) and the Sustainable Design and Construction SPD (2016).

The vote was recorded as follows:

For (refusal) – 6

Against (refusal) – 0

Carried – the application was **REFUSED**.

13. TUDOR COURT, 2 CREWYS ROAD, NW2 2AA 17/3921/FUL

Councillor Ryde left the room.

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

Dr James Sun spoke in objection to the application.

Mr Mark Carter, Planning Consultant on behalf of applicant, addressed the Committee.

Further to a discussion Councillor Farrier moved to DEFER the item to allow a further site visit for clarification. She was seconded by Councillor Schneiderman.

The vote was recorded as follows:

For (deferral) – 5

Against (deferral) - 0

Carried – that the application was **DEFERRED**.

14. 258 NETHER STREET, N3 1HT 18/0951/FUL

The Planning Officer presented the report to the Committee.

Ms S Roy spoke in objection to the application.

The agent for the applicant addressed the Committee.

The vote was recorded as follows:

For (approval) – 3

Against (approval) – 3

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

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

15. 2A FORTIS GREEN ROAD, N2 9EL 18/0692/S73

The Planning Officer presented the report to the Committee.

Residents who had registered an objection to the application were not in attendance.

The applicant was present but did not address the Committee.

The vote was recorded as follows:

For (approval) – 6

Against (approval) – 0

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

16. 994 - 996 HIGH ROAD, N20 0QG 18/0778/FUL

The Planning Officer presented the report to the Committee.

A resident who had objected to the application was not in attendance.

The applicant was present but did not address the Committee.

The vote was recorded as follows:

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

Councillor Schneiderman moved to REFUSE the application for the reasons below and was seconded by Councillor Farrier:

The scale, siting and design of the proposed extensions and conversion would create a cramped form of development that would provide poor outlook to habitable rooms. It is deemed that the development would not provide a satisfactory standard of accommodation for future occupants and would detract from the character of this location. As such, the proposal is contrary to Policies 3.5 and 7.4 of the London Plan 2016, Policies CS1 and CS5 of the Council's Core Strategy DPD (2012), policies DM01 and DM02 of the Development Management Policies DPD (2012) and the Sustainable Design and Construction SPD (2016).

The vote was recorded as follows:

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

Carried – the application was **REFUSED**.

17. 14-16 THE GROVE, NW11 9SH 18/1219/FUL

The Planning Officer presented the report to the Committee.

Mr P Smus and Dr C Coleman spoke in objection to the application.

Mr Moore, Planning Consultant, spoke on behalf of the applicant.

The vote was recorded as follows:

For (approval) – 0

Against (approval) – 6

Councillor Cohen moved to REFUSE the application for the reasons below. This was seconded by Councillor Marshall:

1. The development, by reason of the size, siting, bulk and design of the proposed extensions would be an overdevelopment of the site and be detrimental to the character and appearance of the property and wider locality. As such, the proposal is contrary to Policies 3.5 and 7.4 of the London Plan (2016), Policies CS1 and CS5 of the Council's Core Strategy DPD (2012), policy DM01 of the Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2016).
2. The development, by reason of the size, siting, bulk and design of the proposed extensions, would appear overbearing and detract from the residential amenities of the occupiers of the neighbouring properties. The proposal would be contrary to policy DM01 of the Barnet Local Plan Development Management Policies DPD (2012), policies CS1 and CS5 of the Barnet Local Plan Core Strategy DPD (2012), the Residential Design Guidance SPD (2016) and the Sustainable Design and Construction SPD (2016).

The vote was recorded as follows:

For (refusal) – 6

Against (refusal) – 0

Carried – the application was **REFUSED**.

18. 129 THE VALE, NW11 8TL 17/8189/FUL

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

A resident who had registered an objection to the application was not in attendance.

Mr Anthony Adler, Planning Consultant for the applicant, addressed the Committee.

The vote was recorded as follows:

For (approval) – 3
Against (approval) – 0
Abstained – 3

Resolved that the application was **APPROVED**.

19. 89 AND 91 HIGHFIELD AVENUE, 18/0034/FUL

The Planning Officer presented the report and addendum to the Committee. Amended conditions as set out in the addendum were noted.

The applicant was present but did not address the Committee.

The vote was recorded as follows:

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

Resolved that the application was **APPROVED**.

20. 142 PENNINE DRIVE LONDON NW2 1NH 18/2245/FUL

The Planning Officer presented the report to the Committee.

The applicant, Mrs Patel, addressed the Committee.

The vote was recorded as follows:

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

Councillor Cohen moved to refuse the application for the reasons below, and was duly seconded:

The proposed conversion of the single family home into two self-contained flats would not respect the character of the surrounding area which is largely occupied by single family homes. The proposal would be contrary to policies CS1 and CS5 of the Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012), and the Adopted Residential Design Guidance SPD (2016).

The vote was recorded as follows:

For (refusal) – 6

Against (refusal) – 0

Carried – the application was **REFUSED**.

21. 40-42 GOLDERS GREEN ROAD LONDON NW11 8LL 18/1257/LBC AND 18/1256/FUL

The Planning Officer presented the reports to the Committee.

Mr Duncan Craig addressed the Committee on behalf of the applicant.

An additional condition was tabled for 18/1256/FUL:

Condition 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).

The vote for 18/1257/LBC was recorded as follows:

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

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

The vote for 18/1256/FUL was recorded as follows:

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

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

22. BRITANNIA HOUSE, 960 HIGH ROAD, N12 9RY 18/2499/FUL

The Planning Officer presented the report to the Committee.

The applicant was not present.

The vote was recorded as follows:

For (approval) – 0
Against (approval) – 3
Abstained – 3

1. The proposal provides poor quality amenity space for the occupiers of the proposed flats. This would be contrary to policy DM02 of the Adopted Barnet Development Management Policies (2012), the Sustainable Design and Construction SPD (2016) and the Residential Design Guidance SPD (2016).
2. The proposal fails to provide a legal undertaking to enable an amendment to the Traffic Regulations Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Adopted Development Management Policies DPD (2012), policy CS9 of the Adopted Barnet Core Strategy (2012) and the Planning Obligations SPD (2013).

A vote on the above reasons for refusal was recorded as follows:

For (refusal) – 3

Against (refusal) – 0
Abstained - 3

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

None.

The meeting closed at 8.35pm.

The meeting finished at 8.35 pm

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COMMITTEE REPORT

LOCATION: 20 Wordsworth Walk, London NW11 6AU

REFERENCE: TPF/0183/18

Received: 18 April 2018

WARD: GS

Expiry: 13 June 2018

CONSERVATION AREA Hampstead Garden
Suburb

APPLICANT: Subsidence Management Services

PROPOSAL: 1 x Birch (applicant's ref. T1) – Fell, T4 of Tree Preservation Order.

RECOMMENDATION:

That Members of the Planning Sub-Committee determine the appropriate action in respect of the proposed felling of 1 x Birch (applicant's ref T1), T4 of Tree Preservation Order, either:

REFUSE CONSENT for the following reason:

The loss of the tree of special amenity value is not justified as a remedy for the alleged subsidence damage on the basis of the information provided.

Or:

APPROVE SUBJECT TO CONDITIONS including replacement planting

Consultations

Consultation was undertaken in accordance with adopted procedures which exceed statutory requirements:

Consultees:

Neighbours consulted: 5

Replies: 0

MATERIAL CONSIDERATIONS

Relevant Recent Planning History:

TCA/00373/13/F – 1 x Beech (T4 applicant's plan) – Fell
- 6 week notification period expired 8th August 2013

TCA/00175/14/F – 1 x Prunus and 1 x Acer - Remove
- 6 week notification period expired 11th April 2014

TPF/0322/17 – 1 x Birch - Remove
- Application Invalid on Receipt (received 4th May 2017)

PLANNING APPRAISAL

1. Introduction

An application form proposing felling of the Birch tree in the front garden of 20 Wordsworth Walk in connection with alleged property damage to the house was submitted via the Planning Portal in March 2018. The submission followed an incomplete application for removal of the same tree the previous year and two s211 Notices of Intent for removals of other trees at the site in 2013 and 2014.

20 Wordsworth Walk is a two-storey end-terrace house apparently built in 1910. The front garden is about 0.5m below the level at which the house and path are set, with a step down from the path to the lawn. The Birch is thus growing at a lower level than the building.

As discussed further in the report, it appears that there had been an insurance claim in 2012 for damage to the house which had been investigated with tree removals and repairs implemented, but damage returned and further investigations took place. In May 2017 an application to remove the Birch was submitted, but there was insufficient mandatory supporting documentary evidence for validation at that time. The current application included more than the May 2017 version but our Structural Engineer commented that there were still discrepancies and shortcomings in the information – clarification was thus requested.

On 18th April 2018 an e-mail was received from the agent with additional information and the application was validated accordingly.

2. Appraisal

Tree and Amenity Value

The Birch subject of this application stands just inside the flank boundary with 18 Wordsworth Avenue and about 3 metres from the roadside frontage.

The mature Birch is approximately 16 metres in height. It has a relatively narrow crown with typical pendant branches, but as the tree has been trimmed back to clear the adjacent street light and has one quite large lateral extending towards the house it has a slightly wider spread to the south-west (house) than the north-east (road). It has been lifted in the past but otherwise, apart from clearance of the street light, little previous treatment is apparent. The Birch appears to be in reasonable condition with no major faults apparent.

The Birch is very clearly visible from Wordsworth Walk, especially the hammerhead end, although views from Hogarth Hill are restricted by a large Oak and another Birch (both

included in the Tree Preservation Order) that stand further to the north-west in other Wordsworth Walk front gardens.

The Hampstead Garden Suburb Character Appraisal Statement is one of many documents setting out the importance of trees to the character and appearance of the area e.g.:

- “Trees and hedges are defining elements of Hampstead Garden Suburb. The quality, layout and design of landscape, trees and green space in all its forms, are inseparable from the vision, planning and execution of the Suburb”.
- “Wherever possible, in laying out the design for “the Garden Suburb” particular care was taken to align roads, paths, and dwellings to retain existing trees and views. Extensive tree planting and landscaping was considered important when designing road layouts in Hampstead Garden Suburb, such that Maxwell Fry, one of the pioneer modernists in British architecture, held that “Unwin more than any other single man, turned the soulless English byelaw street towards light, air, trees and flowers”.
- “Unwin’s expressed intention, which he achieved, was: ‘to lay out the ground that every tree may be kept, hedgerows duly considered, and the foreground of distant views preserved, if not for open fields, yet as a gardened district, the buildings kept in harmony with the surroundings.’”
- “Trees contribute fundamentally to the distinctive character and appearance of the Conservation Area in a number of different ways, including:
 - Creating a rural or semi-rural atmosphere
 - Informing the layout of roads and houses with mature field boundary trees
 - Providing links with pre-development landscape and remaining woodland
 - Creating glades, providing screening and shade, and marking boundaries
 - Framing views, forming focal points, defining spaces and providing a sense of scale
 - Providing a productive, seasonal interest and creating wildlife habitats

As the Conservation Area Character Appraisal Statement notes “The Artisans’ Quarter was designed as a new kind of community in which attractively designed housing for a wide range of income groups was set within a green environment. The provision of large gardens and open recreational spaces was central to the vision.....The density of development is relatively high for the Suburb. However, houses were provided with generous gardens and there are areas of allotments, tennis courts and greens which provide generous open green spaces. Housing layouts were designed to retain existing mature trees.” In describing the overall character of the Artisans’ Quarter it notes “The retention of boundary oak trees from the pre-existing field boundaries, together with the street trees, hedges and the generous gardens, make a lush green setting for the houses. Where roads are too narrow for street trees, trees in front garden take on an increased importance.” and included amongst the Principal positive features are “trees and greenery rise above cottages in some areas”; and “front gardens contribute to the setting of houses and the ‘Garden Suburb’ aesthetic”.

The Birch is considered to be of importance to the character and appearance of the Hampstead Garden Suburb Conservation Area – it is a prominent healthy front garden tree in a road too narrow for street trees which contributes to the setting of the houses and the ‘Garden Suburb’ aesthetic.

The application

The application submitted by Innovation Group Environmental Services as agent for Innovation Group Subsidence Management Services was registered on 18th April 2018. The reasons for the proposed removal of the Birch (applicant’s reference T1) cited on the application form is:

The tree works are proposed to stop the influence of the tree(s) on the soil below building foundation level and provide long term stability.

Estimated costs of repair to the building are £25k if the influence of the tree(s) remain and £6k if the proposed tree works are allowed to proceed. Granting permission will limit these costs. In the event of a refusal we, or our clients, will seek to secure compensation for the additional costs incurred through Section 202(e).

Should the tree/s remain the total cost of repairs will be the Superstructural repairs + Alternative method of repairs = £31.5[k]

It is the expert opinion of both the case engineer and arboriculturalist that on the balance of probabilities the supporting information demonstrates the influence of the tree(s).

Note: Further monitoring results may be submitted if these become available during the course of this application.

Including the additional information submitted subsequently, the supporting documentation comprised:

- Arboricultural Report dated 16th March 2017
- LBG Schedule of Repair Works dated 4th June 2015
- Root Identification dated 25th October 2012
- Root Identification dated 23rd February 2017
- Root Identification dated 23rd August 2017
- Soil Analysis dated 5th November 2012
- Soil Analysis dated 9th March 2017
- Soil Analysis dated 5th September 2017
- Geotechnical dated 31st October 2012
- Geotechnical dated 10th March 2017
- Geotechnical dated 4th September 2017
- Visit Report dated 3rd August 2017
- Supplementary Engineer’s Report dated 17th January 2018
- level monitoring 19/6/13 – 22/2/18 (12 readings with large gaps in timing)
- updated level monitoring – 17/4/18

The agent explained that the initial 2012 insurance claim had been handled by others (documents refer to Halifax) and they had been instructed subsequently – the Visit Report states the Reason for Revisit to be “To review the current position bearing in mind the property was previously repaired and these repairs failed almost immediately after they were completed.” The Supplementary Engineers Report is so entitled because the initial

claim “was dealt with by internal Engineers at Lloyds Banking group” and the original Engineer’s report had not been passed to the agent.

In the e-mail dated 18th April 2018, in response to clarification as to the inconsistency between the proposals and estimated costs of repair cited on the application form and engineer’s report, the agent stated “Reserve costs – Reserve costs are as per the engineers report.” In the same e-mail, it was confirmed that “The Engineer believes the datum is stable”; pursuant to the 2012 claim C1, T3 and T4 were removed in September 2013, and details provided of the repair works. The Arboricultural Report indicates that C1 is/was a Vine in the corner of the front elevation by the return to the front door, T3 a Prunus on the flank boundary with 18 Wordsworth Walk relatively close to the front elevation, and T4 a Beech almost opposite on the flank boundary with 22 Wordsworth Walk; the Supplementary Engineer’s Report notes that the previous repairs were completed by the end of 2015.

It appears that the Beech (T4) was removed pursuant to TCA/00373/13/F and (notwithstanding the date discrepancy) the Prunus (T3) TCA/00175/14/F – not being a tree, the Vine C1 was not subject of tree preservation legislation. However, although its removal was included as part of TCA/00175/14/F, it may be noted that the Acer was retained and its presence is recorded as Norway Maple T9 in the Arboricultural Report dated 16th March 2017.

Although the Arboricultural Report dated 16th March 2017 stated “*We note that this is a reoccurrence of damage first reported to insurers in 2012; an arboricultural report REF: NL/0810121516/TPREV1 was produced at this time and advocated tree works based on a review of available site investigations. This report should be read in conjunction with the above noted previous arboricultural report and all available site investigations.*” – the earlier report was not submitted. It had, however, been submitted in connection with an earlier s211 Notice of Intent, TCA/00175/14/F.

Given the fragmentation of investigations it is not straightforward to cross-reference some of the information. The Arboricultural Report and Engineering Opinion Report submitted as part of TCA/00175/14/F were also checked. In roughly chronological order, the following points may be noted:

2012 investigations:

The damage was described as “Subsidence crack damage to front left corner along both front elevation and left flank wall”

The indicated mechanism of movement “Front left corner subsiding”

Category of damage “Category 3 Moderate Damage in accordance with BRE Digest 251”

‘Damage noticed by tenants October 2011 but not reported until it became worse in 2012’

Trial Pit / Borehole 1 in corner of front elevation by return to front door (TP / BH1)

Control Trial Pit / Borehole 2 in rear garden (TP / BH2)

Birch and Beech roots identified from 0.8 – 1.8m depth Trial Pit / Borehole 1

Soil testing showed shrinkable but not desiccated soils according to the Engineer, although the arboricultural report contends that the “Soil suction testing indicates the presence of moderate to very severe desiccation in accordance with BRE digest 412 for TP/BH1”.

In 2013 / 4, a Beech, Prunus and Vine were removed. However, the Supplementary Engineer's Report notes that the Hampstead Garden Suburb Trust did not give their approval for the removal of the Silver Birch. Level monitoring was undertaken up until October 2014 and the property was deemed stable following the removal of the Beech tree. Repairs were then undertaken.

There are level monitoring readings for 19/6/13, 20/8/13, 10/10/13, 20/9/14, 13/11/14.

By the end of 2015, repair works had been implemented which included internal redecoration, meshing over cracks internally, stitching anchors, raking out mortar joints and resin injection internally and externally.

The Supplementary Engineer's Report notes that "The damage returned to the property in November 2016 and in February 2017 Innovation Subsidence Management Services were appointed to handle the claim; indicating that "The property is tenanted, new tenants moved into the property in July 2016 and in November notified the Landlords of cracking to the lounge, front bedroom and hall, stairs and landing. This prompted them to submit a further claim to insurers."

It would seem that various investigations took place, as the Arboricultural Report is dated 16th March 2017; the Geotechnical Report 10th March 2017 (based on site investigations on 21st February 2017); with Root identification dated 23rd February 2017 and Soil Analysis 9th March 2017. Trial Pit / Borehole 3 (TP / BH3) was excavated close to TP / BH1 and a further Borehole 4 (BH4) close to BH2 in the rear garden. Birch root was identified from TP / BH3. It appears that level monitoring was recommenced on 14th February 2017.

On 4th May 2017, an application to remove the Birch was submitted via the Planning Portal, but could not be validated as not all of the mandatory supporting documentary evidence was supplied (a number of requisites were omitted and, for example, there were no monitoring readings between 13th November 2014 and 14th February 2017, so it was not possible to demonstrate seasonal movement).

The Visit Report dated 3rd August 2017 notes "*We have not had the benefit of sight of the Arb report, which we assume was commissioned. We need to have sight of this document along with correspondence in relation to the recovery action that we assume would have been pursued previously. We could also benefit from sight of the repair schedule of works to understand the level of repairs completed to date.*" and recommends:

"Level monitoring should continue.

We should obtain the Arb report and final schedule of work documents from Insurers of the policyholder if they have them available.

Site investigations have been instructed to confirm the existence of roots and desiccated soils below foundations. Once we have that report and on the assumption we find evidence of subsidence we should start communicating with the implicated vegetation owners again with a further request to remove the implicated vegetation.

If this is resisted and or refused again, consideration of an appropriate engineering solution will need to be considered to halt the influence of vegetation that might well have to stay in place."

The current application, validated on 18th April 2018, included the Arboricultural Report dated 16th March 2017; but also level monitoring updated to 22nd February 2018 (14/2/17, 18/4/17, 23/6/17, 15/8/17, 3/10/17, 23/11/17, 22/2/18); and it appears that further investigations had taken place, as there was also a Geotechnical Report dated 4th September 2017 (based on site investigations on 18th August 2017); with Root identification dated 23rd August 2017 and Soil Analysis 5th September 2017. Trial Pit / Borehole 5 (TP / BH5) was excavated at the northern end of the front projection (i.e. adjacent to 18 Wordsworth Walk) and a further Trial Pit / Borehole 6 (TP / BH6) beneath the front window (i.e. between TP / BH3 and TP / BH6). Birch root was identified from both TP / BH5 and TP / BH6. There was also the Supplementary Engineer's Report dated 17th January 2018. Subsequently monitoring readings for 17th April 2018 were also submitted.

The Supplementary Engineer's Report describes internal cracking of 2mm around the front and side windows in the lounge, 1mm cracking above the front door in the hallway, and 1mm cracking to the front wall of the front bedroom; and externally "The front left hand corner of the front projection and the left hand corner window of the main house have both dropped resulting in cracks around the ground floor windows and front door." The damage is assessed as Category 1 (Very Slight) according to BRE Digest 251. The following Repair costs are stated "*Where it is possible to mitigate further movement by removal of the implicated vegetation, we consider that superstructure repairs alone will suffice. The current estimated cost of this work is in the region of £6,000.00. Where it is not possible to prevent further damage caused by seasonal movement induced by the effects of the implicated vegetation, it will be necessary to stabilise the building by the installation of an intervention technique such as a root barrier.*

Whilst no detailed designs have currently been developed for a suitable scheme of stabilisation, we believe that it would be reasonable to anticipate additional costs in the region of £10,000 to £15,000. "

Our Structural Engineer has assessed the information and notes the following:

- Birch tree roots extend to 1.8m depth.
- The house foundations are 0.8m deep which is reasonable for a property of this age.
- There appears to be some desiccation of the soil occurs at 1.65m deep.
- The damage is very slight (category 1) and is a re-occurrence of previous damage.
- The cracking has occurred after the Beech tree was removed.
- The recent monitoring indicates enhanced seasonal movement to the front of the house.

On the basis of the above the Birch tree is likely to be implicated in the re-occurrence of damage to the front of the house. Although no roots from the Oak tree in the front garden of no.18 were identified the oak tree may be a contributory factor. According to the arboricultural report the oak is to be crown reduced and regularly maintained.

The cracks are described as being within BRE Category 1 - BRE Digest 251 *Assessment of damage in low-rise buildings* includes a 'Classification of visible damage to walls with particular reference to ease of repair of plaster and brickwork or masonry'. It describes category 1 damage as "*Fine cracks which can easily be treated by normal decoration. Damage generally restricted to internal wall finishes; cracks rarely visible in external brickwork. Typical crack widths up to 1mm.*" The BRE Digest concludes "Category 2 defines the stage above which repair work requires the services of a builder. For domestic

dwellings, which constitute the majority of cases, damage at or below Category 2 does not normally justify remedial work other than restoration of the appearance of the building. For the cause of damage at this level to be accurately identified it may be necessary to conduct detailed examinations of the structure, its materials, the foundations and the local clear ground conditions. Consequently, unless there are clear indications that damage is progressing to a higher level it may be expensive and inappropriate to carry out extensive work for what amounts to aesthetic damage.”

However, in this case, the damage is a recurrence of a previous problem. The Visit Report observes *“A review of the property confirms that it appears that the property is suffering from a continuing influence of vegetation that exists in and around the front elevation of the property with crack damage evident to areas that were previously repaired. The policyholder is far from happy that the damage has re-occurred and wants a permanent solution to prevent subsidence movement occurring again in the future.”* It should be noted that not all of the treework for which s211 notification has previously been given has been implemented. The Norway Maple (T9) is still in situ. But it is a relatively small tree and neither of the 2017 root identifications noted the presence of Acer roots, only Birch.

The Arboricultural Report suggests *“Vegetation management in the form of removal and appropriate stump treatment will help to promote the restoration of longterm stability to the insured property; pruning should not be considered as representing an effective or reliable longterm alternative solution given the size and proximity of the vegetation. Pruning is generally ineffective and in the context of the current claim we consider the above vegetation is simply too large and/or close for pruning to be effective. Removal of T1 (Birch (Silver)) will offer the most certain and reliable arboricultural solution likely to restore longterm stability.”*

Although not noted in any of the application submissions, there is a large surface root running across the front lawn - whilst its origin is uncertain (it looks like Cherry but there are no appropriate Prunus from which it could emanate), it could be from the Birch. This is of relevance given the observation in the Supplementary Engineer’s Report that *“Where it is not possible to prevent further damage caused by seasonal movement induced by the effects of the implicated vegetation, it will be necessary to stabilise the building by the installation of an intervention technique such as a root barrier”* in which case *“we believe that it would be reasonable to anticipate additional costs in the region of £10,000 to £15,000”*.

Given the importance of the Birch in the streetscene, that not all previous treeworks subject of s211 notification have been implemented, and that the damage is assessed as BRE Category 1; it may be questioned whether the proposed removal of the prominent TPO Birch at this juncture is excessive / premature. However, our Structural Engineer has noted that *“the Birch tree is likely to be implicated in the re-occurrence of damage to the front of the house.”*

3. Legislative background

As the Birch is included in a Tree Preservation Order, formal consent is required for its treatment from the Council (as Local Planning Authority) in accordance with the provisions of the tree preservation legislation. In addition to this statutory requirement, the

Hampstead Garden Suburb Trust has a separate contractual mechanism of control over treeworks under its Scheme of Management. Consent is required from both bodies independently (and it is possible for consent to be granted by one and not the other).

Government guidance advises that when determining the application, the Council should (1) assess the amenity value of the tree and the likely impact of the proposal on the amenity of the area, and (2) in the light of that assessment, consider whether or not the proposal is justified, having regard to the reasons put forward in support of it. It should also consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions.

The Town and Country Planning (Tree Preservation) (England) Regulations 2012 provide that compensation is payable for loss or damage in consequence of refusal of consent or grant subject to conditions. The provisions include that compensation shall be payable to a person for loss or damage which, having regard to the application and the documents and particulars accompanying it, was reasonably foreseeable when consent was refused or was granted subject to conditions. In accordance with the 2012 Regulations, it is not possible to issue an Article 5 Certificate confirming that the tree is considered to have 'outstanding' or 'special' amenity value which would remove the Council's liability under the Order to pay compensation for loss or damage incurred as a result of its decision.

In this case the applicant has indicated that *"Where it is possible to mitigate further movement by removal of the implicated vegetation, we consider that superstructure repairs alone will suffice. The current estimated cost of this work is in the region of £6,000.00. Where it is not possible to prevent further damage caused by seasonal movement induced by the effects of the implicated vegetation, it will be necessary to stabilise the building by the installation of an intervention technique such as a root barrier. Whilst no detailed designs have currently been developed for a suitable scheme of stabilisation, we believe that it would be reasonable to anticipate additional costs in the region of £10,000 to £15,000."* (the agent's email of 18th April 2018 clarified that the engineer's report rather than application form was to be relied on in respect of the inconsistency between the proposals and estimated costs of repair).

The Court has held that the proper test in claims for alleged tree-related property damage was whether the tree roots were the 'effective and substantial' cause of the damage or alternatively whether they 'materially contributed to the damage'. The standard is 'on the balance of probabilities' rather than the criminal test of 'beyond all reasonable doubt'.

In accordance with the Tree Preservation legislation, the Council must either approve or refuse the application i.e. proposed felling. The Council as Local Planning Authority has no powers to require lesser works or a programme of cyclical pruning management that may reduce the risk of alleged tree-related property damage. If it is considered that the amenity value of the tree is so high that the proposed felling is not justified on the basis of the reason put forward together with the supporting documentary evidence, such that TPO consent is refused, there may be liability to pay compensation. It is to be noted that the Council's Structural Engineer has noted that *"the Birch tree is likely to be implicated in the re-occurrence of damage to the front of the house."*

The statutory compensation liability arises for loss or damage in consequence of a refusal of consent or grant subject to conditions - a direct causal link has to be established between the decision giving rise to the claim and the loss or damage claimed for (having regard to the application and the documents and particulars accompanying it). Thus the cost of rectifying any damage that occurs before the date of the decision would not be subject of a compensation payment.

If it is concluded on the balance of probabilities that the Birch's roots are the 'effective and substantial' cause of the damage or alternatively whether they 'materially contributed to the damage' and that the damage would be addressed by the tree's removal, there is likely to be a compensation liability (the applicant indicates that stabilisation of the building by the installation of an intervention technique such as a root barrier would be likely to be an extra £10 - 15,000 if the tree is retained) if consent for the proposed felling is refused.

COMMENTS ON THE GROUNDS OF OBJECTION

Not relevant

EQUALITIES AND DIVERSITY ISSUES

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies requires the Council to have due regard to the need to eliminate discrimination and promote equality in relation 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.

The Council have considered the Act but do not believe that the confirmation of the Order would have a significant impact on any of the groups as noted in the Act.

CONCLUSION

The applicant, Innovation Group Subsidence Management Services, proposes to fell the mature Birch standing close to the frontage of 20 Wordsworth Walk because of its alleged implication in subsidence damage to the house.

The proposed felling of the Birch would be detrimental to the streetscene and would fail to preserve or enhance the character or appearance of the Hampstead Garden Suburb Conservation Area.

The Council's Structural Engineer has assessed the supporting documentary evidence and has noted that the subject Birch is likely to be implicated in the re-occurrence of the damage to the front of the house. However, the damage has been assessed as BRE Category 1 (Very Slight) and tree removal may be considered an excessive response.

Bearing in mind the potential implications for the public purse, as well as the public amenity value of the tree and its importance to the character and appearance of the Hampstead Garden Suburb Conservation Area, it is necessary to considered whether or not the proposed felling is justified as a remedy for the alleged subsidence damage on the basis of the information provided.

If it is concluded on the balance of probabilities that the Birch's roots are the 'effective and substantial' cause of the damage or alternatively whether they 'materially contributed to the damage' and that the damage would be addressed by the tree's removal, there is likely to be a compensation liability (the applicant indicates that an intervention such as a root barrier would be an extra £10 - 15,000 if the tree is retained) if consent for the proposed felling is refused.



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Location Olympia House Armitage Road London NW11 8RQ

Reference: 18/1823/FUL

Received: 21st March 2018

Accepted: 21st March 2018

Ward: Childs Hill

Expiry 16th May 2018

Applicant: Mr A. Matsukis

Proposal: Third floor side extension

AGENDA ITEM 7

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, OH-PP4-01, OH-PP4-02, OH-PP4-03, OH-PP4-07, OH-PP4-08, OH-PP4-09, OH-PP4-10, Design and Access Statement.

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

- 2 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 Before the building hereby permitted is first occupied the proposed window(s) in the west elevation facing Woodstock Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 5 The premises shall be used for offices and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

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

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

- 7 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).

- 8 The proposed balustrades to the new rooftop amenity area hereby approved must be installed 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).

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.

Officer's Assessment

1. Site Description

The site is Olympia House, an existing part 3 and part 4 storey office building on the northwest side of Armitage Road, close to Golders Green town centre within the Childs Hill ward.

While the building is adjacent to Golders Green Conservation area, the building itself is not within the Golders Green Conservation area and has no statutory designations.

2. Site History

Reference: 16/1499/FUL

Address: Olympia House, Armitage Road, London, NW11 8RQ

Decision: Approve subject to conditions

Decision Date: 23.05.2016

Description: Extension to existing second and third floors of an existing office building as previously approved under application reference 15/03472/FUL. Extension to 3rd floor level to accommodate an accessible WC. New amenity area and balustrades. New solar panels to roof and new windows to ground, first and second floors.

Reference: 15/01683/FUL

Address: Olympia House, Armitage Road, London, NW11 8RQ

Decision: Refused

Decision Date: 21 May 2015

Description: Extension to existing second and third floors of an existing office building. Alterations to pitched roof at first floor level on west and north elevations. (AMENDED DESCRIPTION)

Reference: 15/03472/FUL

Address: Olympia House, Armitage Road, London, NW11 8RQ

Decision: Approved subject to conditions

Decision Date: 23 July 2015

Description: Extension to existing second and third floors of an existing office building

3. Proposal

Planning permission is sought for a third floor side extension. This would be an increase in floor area to the previously approved third floor side extension to the existing office building as previously approved under application reference 16/1499/FUL. 'Extension to existing second and third floors of an existing office building as previously approved under application reference 15/03472/FUL. Extension to 3rd floor level to accommodate an accessible WC. New amenity area and balustrades. New solar panels to roof and new windows to ground, first and second floors'.

The proposed third floor side extension will accommodate approximately 30sqm additional office space. It will extend 2.2m deep x 13.7m wide and will incorporate a pitched roof. External alterations will remain the same as those previously approved under permission reference 16/1499/FUL. Ref. permission 16/1499/FUL approved an additional 99 sq m floorspace.

4. Public Consultation

290 consultation letters were sent to neighbouring properties.

7 letters of objection were received and comments are summarised below. It should be noted however that 3 of the respondents did not provide their full address.

- Building is an eyesore, unsightly and bulky
- The additional 3rd floor extension will cause overlooking into gardens of the surrounding houses.
- The additional office floorspace will result in parking pressure, congestion, overflowing bins
- The extension will harm daylight to the neighbours

Additionally, letters have been received, via the applicant's agent, from owners of 2 properties where objection comments have come from, claiming that they have no knowledge of the names of the persons who submitted the comments.

Members are reminded that they can decide how much weight they give to the source of the representations when it comes to making the decision.

Highways

The existing building consists of 1095sqm of office use with 16 parking spaces. The proposal is for extensions to provide an additional 30sqm of office use. Parking will be maintained as existing. No changes are being proposed to the existing vehicular access.

The site is located within a High Public Transport Accessibility Level area, within an all-day controlled parking zone in close proximity to Golders Green Underground station, several bus routes and town centre amenities.

Recommendation

The proposed extension is not expected to have a detrimental impact on the surrounding public highway, I therefore have no objections on highways grounds.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM11, DM14, DM17.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted 2016)

Sustainable Design and Construction SPD (adopted 2016)

5.2 Main issues for consideration

- The principle of whether new office accommodation in this location is acceptable
- 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 proposals would harm highway and pedestrian safety
- Impact of proposed additions since previous consent

5.3 Assessment of proposals

- The principle of whether new office accommodation in this location is acceptable. The proposal would extend the building by approximately 30 square metres in area and the previous consent extended 99sqm. Policy DM14 states that:
 - All proposals for new office space should follow a sequential approach which considers town centre sites before edge of centre sites.
 - New industrial/warehousing space will be expected to locate in Locally Significant Industrial sites. Warehousing uses or uses which generate high levels of movement should be located in close proximity to tier one and two roads as set out in Policy DM17 Travel Impact and Parking Standards and minimise impact on residential areas.
 - Proposals for new employment space will be expected to provide onsite servicing for the intended use and include space for waiting for goods vehicles.

The National Planning Policy Framework states that: Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge

of centre locations and only if suitable sites are not available should out of centre sites be considered.

When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

Although no sequential test accompanies the application, the following factors should be noted:

- The site is in highly accessible location
- The proposals are for an extension to an existing office location in an edge of town centre location.
- The proposals result in only a small increase to the amount of office space on site.
- Previous permissions for office use on site

Taking these matters into consideration it is not considered that the proposals would be contrary to the general aims of the above policies.

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

The proposal is a marginal extension to a previously approved scheme reference 16/1499/FUL. Under the previous planning application the proposals had been revised and the remaining parts of the extensions were well screened from the view on Armitage Road. Whilst they do add height and bulk to the building, the perception of this would largely be confined to the rear gardens and windows of houses on Woodstock Road. Furthermore the glazed appearance and pitched end to the top floor would help reduce the perceived bulk of the building. It is not considered that the proposals would harm the character and appearance of the street scene and general locality.

- Whether harm would be caused to the living conditions of neighbouring residents.
- The previous application was approved and officers concluded that given the orientation of the houses on Woodstock Road in relation to the site, it was considered that there would be no materially harmful loss of light to residents on Woodstock Road. Given the proposed scale and size of the third floor extension, including the proposed additional area, and its siting which in essence is an 'infill' extension along the established building line of the top floor, it is considered that it would not appear overbearing as viewed from the rear gardens of properties on Woodstock Road.

The proposed glazing on the side facing the houses on Woodstock Road would need to be obscure glazed, as in the previous scheme, in order to prevent the harmful overlooking of neighbouring residents.

In terms of the current proposal it would result in an additional 30sqm of office space and given the relatively small increase in office space, it is not considered that the proposed intensification of the existing use of the site would harm neighbouring residential amenity. Overall it is considered that the proposals would not harm the residential amenities of neighbouring residents.

- Whether the proposals would harm highway and pedestrian safety

The existing building consists of 1090sqm of office use with 16 parking spaces. The proposal is for extensions to provide an additional 30 sqm of office use together with the 99 sqm previously approved. Parking will be maintained as existing. No changes are being proposed to the existing vehicular access.

The site is located within a High Public Transport Accessibility Level area, within an all-day controlled parking zone in close proximity to Golders Green Underground station, several bus routes and town centre amenities. Highways officers raise no objections on highways grounds.

- Impact of proposed additions since previous consent

The proposed third floor side extension will accommodate approximately 30sqm additional office space. It will extend 2.2m deep x 13.7m wide which will incorporate a pitched roof. External alterations will remain the same as those previously approved under permission reference 16/1499/FUL. The proposed third floor side extension is considered modest and appears subordinate to the main building and will be in keeping with the character of the area.

External alterations remain the same as those previously approved, in particular windows in the west facing flank elevations will be fitted with 1.7m high obscure glazing to prevent potential overlooking and any loss of privacy to neighbouring occupiers.

Therefore, the proposed addition to the previous consent is considered acceptable.

5.4 Response to Public Consultation

Planning matters are addressed in the body of the report.

6. Equality and Diversity Issues

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

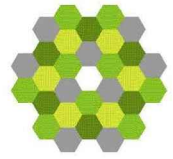
7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, 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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Land Registry Current title plan

Title number **MX468104**
Ordnance Survey map reference **TQ2487NE**
Scale **1:1250**
Administrative area **Barnet**



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Location **70 North End Road London NW11 7SY**

Reference: **18/1480/FUL**

Received: 8th March 2018

Accepted: 13th March 2018

Ward: Childs Hill

Expiry 8th May 2018

Applicant: Goldberg

Proposal: Partial demolition of existing first floor. Part single, part two storey rear extension. Alterations to windows in rear dormer. Conversion into 2no. self-contained flats. Associated amenity space and refuse storage

Recommendation: Approve subject to conditions

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

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

172/1.0 (Location Plan)
 172/1.01/C (As Existing Plans)
 172/1.02/C (As Existing Section & Elevations)
 172/1.10 D (Proposed Plans)
 172/1.11/D (Proposed Section AA & Loft Plan)
 172/1.12/D (Proposed Elevations)

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

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

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

- 3 Notwithstanding the approved plans 172/1.11 D (Proposed Section AA & Loft Plan) and 172.1.12 D (Proposed Elevations), the approved ground floor and first floor elevations shall be constructed with a pitched roof and finished with a roof tile to match the appearance of the existing building.

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

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

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

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

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

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

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

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

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

- 8 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).

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

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

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

- 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.

Officer's Assessment

The application was deferred from the June meeting to enable the Members to undertake a site visit.

1. Site Description

The application site is located on the southern side of North End Road and consists of a semi-detached two-storey dwelling house. There is a large dormer window roof extension which has been predominantly constructed.

North End Road is a residential street comprising of two and three storey buildings. There are also a mix of single family dwellings and flat conversions.

The property is not listed nor does it lie within the conservation area, although the Hampstead Garden Suburb Conservation Area is located north-east of the site, on the other side of the road.

2. Site History

Reference: 17/4033/192

Address: 70 North End Road London NW11 7SY

Decision: Lawful

Decision Date: 26 July 2017

Description: Roof extension involving hip to gable, rear dormer window, 3no. rooflights to front elevation to facilitate a loft conversion.

3. Proposal

The application seeks a partial demolition of existing first floor and construction of a part single, part two-storey rear extension, and conversion of the property into 2no. self-contained flats. The proposal also consists of the provision of associated amenity space and refuse storage.

The application has been amended during the application, consisting of the following changes:

- Reduction of the depth of the proposed first floor extension.

4. Public Consultation

Consultation letters were sent to 127 neighbouring properties.

8 responses have been received, comprising 6 letters of objection, and 1 letters of comment.

The objections received can be summarised as follows:

- Conversion of flats out of character
- Loss of family house
- Overdevelopment of the site
- Loss of privacy and overlooking
- Loss of light
- Additional noise
- Inadequate garden provision
- No parking provision

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, CS9, CS13, CS15
- Relevant Development Management Policies: DM01, DM02, 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:

- The principle of conversion from single family dwelling to self-contained units;
- 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 adequate provision of accommodation is provided for future occupiers;
- Highways and parking; and
- Any other considerations.

5.3 Assessment of proposals

Principle of converting to flats

Policy DM01(h) states that "Conversions of dwellings into flats in roads characterised by houses will not normally be appropriate."

North End Road is a long road, connecting the Golders Green Town Centre to the west and the eastern edge of the borough with Camden Council. There are some purpose-built blocks of flats on the road. Planning history indicates that few properties on the road have obtained planning permission for the conversion into flats; mainly those located closer to the town centre location. However, some conversions may have been implemented prior to planning

records. Officers have carried out an analysis of North End Road using VOA records to identify the number of flats on the road. The road contains 96 properties, of which 25 have been converted to flats. Excluding the purpose-built blocks of flats, records indicate that 27% of the properties on North End Road have been converted to flats. It is therefore considered that the street is characterised by a mixture of flats and single-family dwellings.

Taking into account the mixed nature of the road, the principle of a flat conversion on this site is accepted and is not considered, subject to compliance with all other relevant policies, to have a harmful effect on the character and appearance of the street scene and surrounding area.

Impact on the character and appearance of the host property, street scene and surrounding area

The proposed extensions are to the rear of the property and not visible from the street scene. However, consideration is given to the impact on the character and appearance of the host building.

The Council's Residential Design Guidance SPD states that a ground floor extension of 3.5m to semi-detached properties is normally considered to be acceptable. Two storey rear extensions which are closer than 2 metres to a neighbouring boundary and project more than 3 metres in depth are not normally considered acceptable.

The proposed ground floor element measures 3m in depth and the first floor would project approximately 1m beyond the existing elevation and that of the neighbouring property. Cumulatively, as amended, the proposed extensions are considered to be subservient and do not have a harmful impact on the character and appearance of the host property and surrounding area.

Impact on the amenity of neighbouring residents

There are residential properties on either side of the application site along North End Road and to the rear along Park Avenue.

The ground and first floor elements would comply with the Council's SPD requirements. The height of the extensions are considered to be appropriate and would not appear overly dominant to the neighbouring properties. For these reasons, the proposal is not considered to have a significant harmful impact on the residential amenity of neighbouring properties in terms of overlooking, overbearing impact and loss of light/outlook.

It is considered that the levels of noise associated with the use as 2 flats would not be so out of keeping in this location as to cause undue harm to the amenities of neighbouring residents.

Provision of adequate accommodation for 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. The London Plan and the Barnet's Sustainable Design and Construction SPD sets out the minimum space requirements for residential units. The proposed units would measure:

Flat 1 - 2B4P - 79.14sqm

Flat 2 - 3B5P - 114sqm

Following a review of the internal floor plans, both proposed units are deemed to meet the minimum internal space standards. Both units would be dual aspect and considered to have acceptable levels of outlook and daylight/sunlight.

Barnet's Local Plan expects that sufficient and functional space should be provided for all new homes and flats wherever possible. The Sustainable Design and Construction SPD advises that 5sq.m should be provided per habitable room for flats. It is proposed to subdivide the existing rear garden into two areas, 22.4sqm for the ground floor and 26.36sqm for the upper floor flat. This provision of outdoor amenity space is considered to be acceptable and complies with the SPD requirements.

Highways 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 existing property comprises of 6-bedrooms and does not benefit from any off-street parking provision. The site is located within a PTAL of 5 and is within walking distance and local amenities and Golders Green Town Centre.

Policy DM17 sets out parking standards as follows for the residential use:

For 2 and 3 bedroom units 1.0 to 1.5 spaces per unit

The proposal would provide 1 x 2-bed and 1 x 3-bed units which would have a parking requirement of 2 to 3 spaces overall. On balance, considering the existing family dwelling has a parking provision of 2 spaces, the proposed two units would have an equivalent parking provision of the existing 6-bed dwelling. Taking into account this factor, along with the site's location, it is not considered that the proposal would have a harmful effect on the public highway and is compliant with policy DM17. Within the submitted Planning Statement, it comments that 1 space would be provided at the front of the site. However, this would be a horizontal space which is not deemed appropriate by the Council's Traffic and Development service. Any formal space needs to be vertical to the public highway. However, taking into account the above assessment, the proposal is deemed to be acceptable without the provision of an off-street parking space.

It is proposed that a refuse and recycling store will be sited at the front of the site and will be easily accessible off the public highway for collection.

5.4 Response to Public Consultation

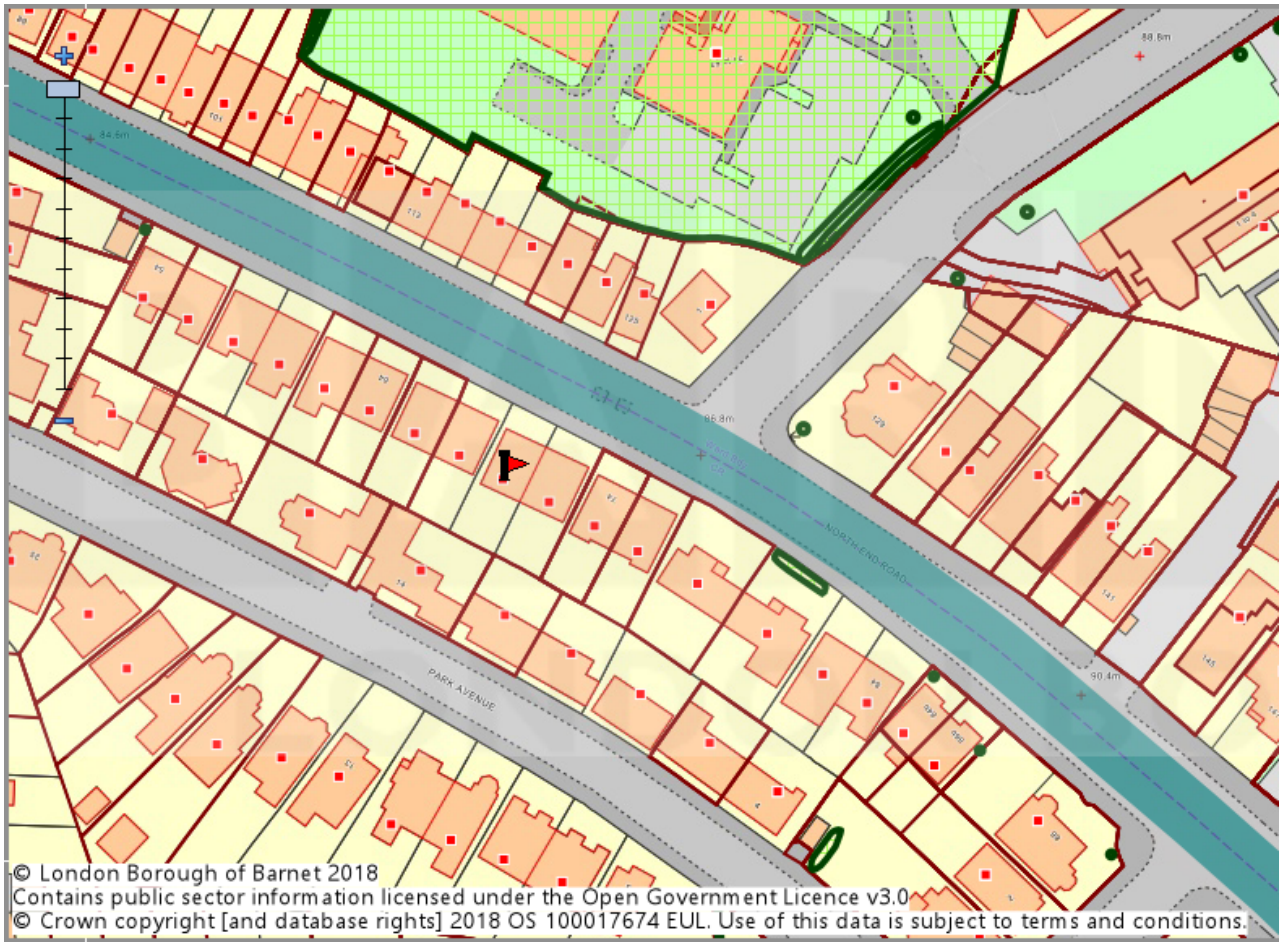
The issues raised within the received representations have been addressed within the assessment section above.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that 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 Finchley Police Station, 193 Ballards Lane, London N3 1LZ

Reference: 18/2039/FUL **Received:** 2nd April 2018

Accepted: 6th April 2018

Ward: West Finchley **Expiry:** 6th July 2018

Applicant: Ballards Lane LLP

Proposal: Redevelopment of the site comprising the erection of two residential buildings of up to five storeys providing 47 no. self-contained flats and 161 sqm of A1/A3 floorspace, including on site car parking for 24 vehicles and 87 cycle spaces, recycling and refuse areas, associated amenity space, landscaping and associated development

RECOMMENDATION I:

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

RECOMMENDATION II:

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

1. The Council's legal and professional costs of preparing the Agreement and any other enabling agreements.
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.
3. Provision of three flats as shared ownership housing, to be provided for sale through a registered social landlord acceptable to the Council with an initial offering of a 25% share to prospective buyers.

4. Provision of a review of development viability for the approved development (including residential and non-residential units) on the sale or occupation of 75% of the residential units at the site (or two years after the date of the permission, whichever occurs first), with a proportion of any sales value uplift over the 20% nominal viability level to be paid to the Council for the sole purpose of contributing towards off-site affordable housing. The proportion of any uplift to be paid to Council will be 60%.
5. Provision of the following costs towards extension of the Controlled Parking Zone (CPZ):
 - (a) A contribution of £114,034.79 towards proposed CPZ works as follows:
 - To undertake review of the existing CPZs;
 - To implement the outcome of the review;
 - To undertake consultation on roads currently outside the CPZ area in the proximity of the site; and
 - to implement the outcome of the CPZ consultation.
 - (b) A contribution of £2,000 to amend the existing Traffic Management Order to exempt permits.
6. Provision of travel plan costs
 - (a) Travel Plan monitoring contributions of £5,000; and
 - (b) Travel Plan Incentives for future occupiers to the value of £7800.
7. Provision of Skills, Employment, Enterprise and Training appropriate to the site, to provide four apprenticeships.
8. Meeting the Council's costs of monitoring the planning obligation - £3000.

Conditions

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

HTA-A_XX-D1_DR_0001 rev.1	Location Plan 1:1000 scale
HTA-A_XX-D1_DR_0002 rev.1	Location Plan 1:1250 scale
HTA-A_XX-D1_DR_0003 rev.1	Post Demolition Plan
HTA-A_XX-D1_DR_0010 rev.1	Existing Ground Floor Plan
HTA-A_XX-D1_DR_0011 rev.1	Existing Level 01 Floor Plan

HTA-A_XX-D1_DR_0012 rev.1	Existing Level 02 Floor Plan
HTA-A_XX-D1_DR_0120 rev.1	Existing Elevations
HTA-A_XX-D1_DR_0121 rev.1	Existing Elevations
HTA-A_XX-D1_DR_0150 rev.5	Proposed Ground Floor Plan
HTA-A_XX-D1_DR_0151 rev.6	Proposed Level 01 + 02 Floor Plan
HTA-A_XX-D1_DR_0152 rev.6	Proposed Level 03 Floor Plan
HTA-A_XX-D1_DR_0153 rev.6	Proposed Level 04 Floor Plan
HTA-A_XX-D1_DR_0155 rev.3	Proposed Roof Plan
HTA-A_XX-E1_DR_0200 rev.6	Block A Elevations 1 of 2
HTA-A_XX-E1_DR_0201 rev.5	Block A Elevations 2 of 2
HTA-A_XX-E1_DR_0205 rev.4	Block B Elevations 1 of 2
HTA-A_XX-E1_DR_0206 rev.3	Block B Elevations 2 of 2
HTA-A_XX-E1_DR_0210 rev.2	Main Street Elevations
HTA-A_XX-S1_DR_0250 rev.2	Block A+B section
HTA-A_XX-S1_DR_0251 rev.2	Block B Section B2
HTA-A_XX-D1_DR_3000 rev.2	Unit plan, type Studio_T1
HTA-A_XX-D1_DR_3001 rev.1	Unit plan, type 1B2P_T1
HTA-A_XX-D1_DR_3002 rev.1	Unit plan, type 1B2P_T2
HTA-A_XX-D1_DR_3005 rev.1	Unit plan, type 1B2P_T5
HTA-A_XX-D1_DR_3006 rev.1	Unit plan, type 1B2P_WCHR
HTA-A_XX-D1_DR_3007 rev.1	Unit plan, type 1B2P_WCHR_T2
HTA-A_XX-D1_DR_3008 rev.1	Unit plan, type 1B2P_WCHR_T3
HTA-A_XX-D1_DR_3009 rev.1	Unit plan, type 2B3P_T1
HTA-A_XX-D1_DR_3011 rev.1	Unit plan, type 2B4P_T1
HTA-A_XX-D1_DR_3012 rev.2	Unit plan, type 2B4P_T2
HTA-A_XX-D1_DR_3013 rev.1	Unit plan, type 2B4P_T3
HTA-A_XX-D1_DR_3014 rev.1	Unit plan, type 2B4P_T4
HTA-A_XX-D1_DR_3016 rev.1	Unit plan, type 2B4P_WCHR
HTA-A_XX-D1_DR_3018 rev.1	Unit plan, type 1B2P T6
HTA-A_XX-D1_DR_3019 rev.1	Unit plan, type 2B4P T6
HTA-A_XX-D1_DR_3020 rev.1	Unit plan, type 2B4P T7
HTA-A_XX-D1_DR_3021 rev.1	Unit plan, type 1B2P T7

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

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

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

- 3 Part 1

Before development commences other than for investigative work:

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

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

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

The site investigation report, risk assessment and refined Conceptual Model shall be submitted to and approved in writing by the Local Planning Authority.

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

Part 2

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

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

- 4 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
 - v. the methods and equipment to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
 - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
 - vii. noise mitigation measures for all plant and processors;
 - viii. details of contractors compound and car parking arrangements;
 - ix. Details of interim car parking management arrangements for the duration of construction;
 - x. Details of a community liaison contact for the duration of all works associated with the development, with including contact details to be shown on site hoarding;
 - xi. Confirmation that a competent banksman shall be employed at all times to manage the construction traffic in and out of the site to ensure highway and pedestrian safety;
 - xii. Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors;

- xiii. Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999;
- xiv. Proof within the contractor's specification that all NRMM will be registered on the local government website;
- xv. Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation;
- xvi. Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed;
- xvii. Confirmation that there shall be no bonfires or burning of rubbish at the site.

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

- 5
- a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.
 - b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.15 of the London Plan 2016.

- 6
- a) Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority. The report shall include an assessment of construction dust impacts. The assessment shall have regard to the most recent air quality predictions and monitoring results from the Authority's Review and Assessment process, the London Air Quality Network and London Atmospheric Emissions Inventory. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.
 - b) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

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

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

- 7 The level of noise emitted from any plant used in association with the development hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property. If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

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

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

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

- 9 a) No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority. This sound insulation shall ensure that the levels of noise generated from any plant as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm

and 30dB(A) in bedrooms from 11pm to 7am. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

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

10 a) 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).

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

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

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

- 12 a) No development shall take place until the implementation of a programme of archaeological evaluation has been secured in accordance with a written scheme which has been submitted by the applicant and approved by the Local Planning Authority in writing and a report on that evaluation has been submitted to the Local Planning Authority.
- b) If heritage assets of archaeological interest are identified by the evaluation under a) above, then before development (other than demolition to present ground level) commences the implementation of a programme of archaeological investigation shall be secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.
- c) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under b).
- d) The development shall not be first occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under b), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To enable archaeological investigation of the site in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD and Policy 7.8 of the London Plan 2016.

- 13 No development other than demolition works shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:
- a) A Refuse and Recycling Collection Strategy, which shall include details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider;
- b) The appearance and siting of enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other storage containers where applicable; and
- c) Plans showing points of collection for refuse and recycling.

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

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

- 14 a) No development other than demolition shall take place until details of the levels of the approved buildings, vehicle access and footpaths in relation to the adjoining land and buildings and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority. The detail to be provided shall include sufficient information to ensure that there will be no views between rear facing windows and balcony at Block A (fourth floor) to those at Wentworth Lodge.
- b) The development shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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

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

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

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

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

- 17
- a) Prior to any construction works above finished ground floor level being undertaken, a scheme of hard and soft landscaping, including details of existing species (to include wildlife-friendly varieties where possible), planting heights and grades, densities, positions and ground preparation (including volumes of soil and / or other growing media) for soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority.
 - 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.

- 18
- The development hereby approved shall not commence until a surface water drainage strategy for the site based on the principles of Sustainable Drainage Systems (SUDS) has been submitted to and approved in writing by the Local Planning Authority. The following details shall be included:
- a) Demonstration that discharge of surface water runoff shall be as high up the discharge hierarchy as possible. Where it is not possible to achieve the first hierarchy, discharge through the ground, applicants must demonstrate in sequence why the subsequent discharge destination was selected. Proposals to dispose of surface water into a sewer, highway drain, surface water body or another drainage system must be accompanied by evidence of the system having spare capacity downstream and acceptance of the surface water by the appropriate authority(ies).
 - b) Confirmation that the surface water drainage strategy shall use SuDS to manage peak surface water runoff rates in accordance with S2 and S3 of the Non-statutory Technical Standards for Sustainable Drainage Systems.

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

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

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

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

- 20 a) No construction works shall commence until specifications and maintenance details of the proposed green roofs and green walls have been submitted to and approved in writing by the Local Planning Authority.
- b) The green roofs and green walls shall then be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. If any part of the approved green roof shall be removed, die, become severely damaged or diseased, it shall be replaced in accordance with the details approved by this condition unless other details have first been submitted to and approved in writing by the Local Planning Authority.

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

- 21 a) No development other than demolition works shall take place until details of the appearance, materials and opening mechanism for any electronically controlled access gates and appearance and materials for other boundary treatment have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and shall then be retained as such.

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

- 22 Prior to the first occupation of any building within the development, the buildings shall be constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority, showing that the development will incorporate carbon dioxide emission reduction measures and on-site renewable energy provision that taken together will achieve an improvement of not less than 35% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 Building Regulations. The development shall be maintained as such for the lifetime of the development.

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

- 23 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.

- 24 Prior to occupation of the development, vehicular parking onsite as shown on Drawing No. HTA-A_XX-D1_DR_0150 rev.5 submitted with the planning application and the access to the parking area from public highway shall be provided. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

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

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with Policy 6.13 of the London Plan 2016.

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

- i. Location and layout of car parking spaces,
- ii. The allocation of car parking spaces;
- iii. On-site parking controls and charges;
- iv. The enforcement of unauthorised parking; and
- v. disabled parking spaces.
- vi. Locations of active and passive Electric Vehicle Charging Points and the monitoring of Electrical Vehicle Charging Points, including when additional spaces are required to be brought into operation.

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

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

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

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

- 28 Before the development hereby permitted is occupied, secure cycle storage shall be provided in the locations shown on the approved drawings, in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

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

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

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

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

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.

- 31 a) No building within the development shall be occupied until details have been submitted to and approved in writing that show that all units within the relevant building shall meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) with the exception of the flats that are identified on the approved drawings to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations (with a total of five flats to meet Part M4(3) standard across the whole development).
- b) The development shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter.

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

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

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

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

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

- 34 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), the commercial unit in Block A shall be used for Class A1 uses only, and may not be changed to any other use other than with express planning permission first being obtained from the Local Planning Authority.

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

- 35 a) Before the development hereby permitted is first occupied, details of the subdivision of the ground floor amenity area(s) together with any provision for direct access from adjacent flats in Block A shall be submitted to and approved in writing by the Local Planning Authority. These approved details shall include clarification of the areas within the development which are for the communal use of all residents.
- b) The development shall be implemented in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

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

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

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

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

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

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

- 38 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no installation of any structures or apparatus for purposes relating to telecommunications shall be installed on any part the roof of the building(s) hereby approved, including any structures or development otherwise permitted under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 or any equivalent Order revoking and re-enacting that Order.

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

- 39 No construction shall take place until details of access and facilities for Fire and Rescue Services have been submitted and approved by the Local Planning Authority.

Reason: To ensure a satisfactory standard of design, in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012).

Informatives:

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq. m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

- Site hoarding
- Wheel washing
- Dust suppression methods and kit to be used
- Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
- Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site

hours are 8am-6pm Monday – Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.

- For major developments only: provide a copy of an asbestos survey;
- For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

5 In line with the Rainfall runoff management for developments (Environment Agency, 2013) guidance, the calculations for the required attenuation storage should be amended. The calculations undertaken use a Quick Storage Estimate. However, calculations should be based on the actual scheme design. In order to comply with Policies S4 and S5 in the Non-statutory technical standards for sustainable drainage systems (March 2015), the above condition should provide calculations for the current runoff volume and proposed post-development runoff volume for a 1 in 100 year, 6 hour rainfall event.

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

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

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

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

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage

to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.

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

- 8 The applicant is advised that Ballards Lane (the whole length) is Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.
- 9 The applicant is advised that the development is located on or will have an impact on the Strategic Road Network (SRN)/Transport for London Road Network (TLRN). The Traffic Management Act (2004) requires the Council to notify Transport for London (TfL) for implementation of construction works. The developer is expected to work with the Council to mitigate any adverse impact on public highway and would be subject to TfL's approval before works can commence.
- 10 The applicant is advised that any works on public highway required to facilitate the development will need to be included in the Council's agreed works programme would be subject to priorities and the available resources therefore the time scales cannot be guaranteed.
- 11 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.
- 12 The applicant is advised that the Council's Refuse Collection Team must be consulted to agree the proposed refuse collection arrangement.

RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 1st October 2018, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The proposed development would provide inadequate parking to serve the development and in the absence of a legal agreement to extend the Controlled Parking Zone and prevent residents from obtaining parking permits would have a harmful impact on highway safety and the free flow of traffic. The development would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and Policy CS9 of the Adopted Barnet Core Strategy 2012.
2. The development does not make any provision towards affordable housing. The proposal would therefore not provide the maximum viable amount of affordable housing, contrary to Policy DM10 of the Local Plan Development Management Policies (adopted September 2012), Affordable Housing SPD, and the Planning Obligations SPD (adopted October 2016) and policy 3.12 of the Mayor's London Plan (MALP) 2016.
3. The proposed development does not include a formal undertaking to meet employment and apprenticeship needs arising from the development. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), Skills, Enterprise, Employment and Training SPD, and the Planning Obligations SPD (adopted October 2016).

Officer's Assessment

1. Site Description

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

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

2. Site History

15/05583/FUL - Demolition of existing buildings and erection of a 1 no. 7 storey building and 1 no. 4 storey building with rooms in lower ground level to provide 70 self-contained units and 1 no. Cafe and Restaurant (A3) commercial unit at ground floor level. Refused 11 November 2016

The application was refused for two reasons, which can be summarised as:

- 1 The lack of any on-site dedicated car parking would have a harmful impact on highway and pedestrian safety and the free flow of traffic; and have a detrimental impact on residents in a scheme of this size and height, as well as the amenities of neighbouring occupiers.
- 2 The proposal's height, massing, siting, scale, and density would be an overdevelopment of the site and detrimental to the character and appearance of the streetscene and general locality.

17/5250/FUL - Redevelopment of the site comprising the erection of two residential buildings up to 6 storeys high providing 52 no. self-contained flats and 161 sqm of A1/A3 floorspace, including on site car and cycle parking, recycling and refuse areas, associated amenity space and landscaping (amended from 54 residential units as submitted). Refused 10 January 2018, for the following reasons:

1. The proposed development, by reason of its height, massing, siting, scale, and density, would be an overdevelopment of the site and detrimental to the character and appearance of the streetscene and general locality. The development would be contrary policies 7.4 and 7.6 of the Mayor's London Plan (MALP) 2016, contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012 and Policy CS5 of the Adopted Barnet Core Strategy 2012.
2. The proposed development would provide inadequate parking to serve the development and in the absence of a legal agreement to extend the Controlled Parking Zone and prevent residents from obtaining parking permits would have a harmful impact on highway safety and the free flow of traffic. The development would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and Policy CS9 of the Adopted Barnet Core Strategy 2012.
3. The development does not make any provision towards affordable housing. The proposal would therefore not provide the maximum viable amount of affordable housing, contrary to Policy DM10 of the Local Plan Development Management Policies (adopted September 2012), Affordable Housing SPD, and the Planning Obligations SPD (adopted October 2016) and policy 3.12 of the Mayor's London Plan (MALP) 2016.

4. The proposed development does not include a formal undertaking to meet employment and apprenticeship needs arising from the development. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), Skills, Enterprise, Employment and Training SPD, and the Planning Obligations SPD (adopted October 2016).

The site has also been subject to the following applications:

18/0577/ADV- 1no banner sign to front elevation. Approved subject to conditions 29.03.2018.

17/5121/PND- Demolition of former police station building comprising 3 storey office building and basement. Prior Approval Required and Approved 01.09.2017

F/00030/13/LIC Replace 3no. existing antennas with 3no. new antennas and the installation of 2no. 0.3m transmission dishes and 2no. equipment cabinets on the roof. Exempt 05.03.2013

F/00003/08/LIC Installation of telecommunications equipment. Exempt 22.04.2008

C11571C/03 Installation of telecommunication equipment on roof. Exempt 05.12.2003

3. Proposal

The proposal seeks to overcome the above reasons for refusal. The existing buildings would be demolished and replaced with two buildings accommodating 47 flats. Block A would be a part five storey building adjacent to the Ballards Lane frontage, reducing to four and then three stories to the rear, while Block B would be located with frontage to Gruneisen Road, with front part of the building being three stories high and rising to four stories further back from the street frontage. This development pattern largely replicates that in the more recent of the two refused residential schemes, with a reduction in heights of one storey across most of the built forms, and a corresponding reduction in the number of flats from 52 to 47. As with the previous scheme, vehicular access would be gained from Gruneisen Road, and the space between the buildings would be largely taken up in car parking at ground level, including in an undercroft within Block B. Landscaping would be provided at the rear of Block A and on a small triangle of land close to the adjacent to the boundary with Hartnell Court. Further greening of the site is proposed by way of a green wall on the flank wall of Block B, adjacent to the vehicular access, and with green roofs for both buildings.

Accommodation provided would be as follows:

Block A would accommodate 30 flats with a 161 sq.m. ground floor commercial unit on Ballards Lane. The mix in this building would comprise 13no. one-bedroom and 17no. two-bedroom flats, including three wheelchair units (2no. one-bedroom and 1no. two-bedroom).

Block B would accommodate 17 flats comprising 6no. studio flats, 8no. one-bedroom and 3no. two-bedroom flats. Two of the single bedroom units would be wheelchair units.

Amenity space would be provided for some flats in the form of balconies or terraces for 15 flats in both buildings, along with small private gardens in the case of two lower ground floor flats in Block A. In addition, the ground floor flats at the front of Block B would have small front gardens, although these would not constitute private amenity space.

Refuse and recycling stores would be provided within both buildings, at the rear of Block A and on the street frontage for Block B. 24 car parking spaces would be provided, and 82 cycle spaces within the buildings.

4. Public Consultation

Consultation letters were sent to 547 neighbouring properties. 49 responses have been received, comprising 46 letters of objection, one letter of support and two further representations.

Support Comments:

- The redevelopment at 193 Ballards Lane sounds highly positive for the area although with concern about the parking provision (Officer comment: this concern is also noted in the objections, below).

Objection Comments:

- Request from neighbouring gym for further information
- Parking pressure on neighbouring roads from additional residential and retail use at the site
- The parking situation is already poor for existing residents; the proposal would add additional pressures on parking. Most residents of this potential development will be forced to seek parking elsewhere and exacerbate parking in nearby streets which have already reached saturation point. Parking is also insufficient for visitors, contractors and deliveries.
- Any new development should have a parking space for each dwelling and the parking restrictions should be 8am to 9pm.
- Traffic congestion.

- Impact on safety of pedestrians due to the large number of new residents.
- While in favour of redeveloping the police station this should be done in a way that ensures the existing residents of the surrounding area are not negatively impacted.
- 10 Gruneisen Road which is a purpose-built turn of the century ground floor flat with another flat above. The proposed 'Block B' will be directly opposite and being 4 stories high it will cast a
- Overshadowing, loss of natural light, and loss of privacy.
- Height and bulk still unacceptable; too dominant and too imposing
- Artificial revenue raising (Officer comment: apparently through on-street car parking charges)
- Inappropriate the choice of buff bricks is out of keeping with Hartnell Court. Also, the building line should remain where it is, rather than be pulled forward (it could be used as a small green space), to ameliorate the 'overwhelming' nature of the proposed building.
- The design of Block B should be more in keeping with the cottages opposite.
- Family-friendly areas like these are becoming rare as all new builds are flats which end up being rentals, with more turnover of occupiers and more dumping of unwanted effects by tenants leaving to move out.
- Loss privacy for occupiers of Wentworth Lodge.
- Loss of morning sun to Wentworth Lodge.
- Obstruction of views to Victoria Park.
- Fails to respect and enhance local character and does not respond to local distinctiveness.
- Does not respect the existing building line or respond positively to the scale, massing and height of the surrounding physical context.
- Overdevelopment of the area. The overall number of units must be greatly reduced, to provide less cramped accommodation.
- Impacts on privacy
- Scale should be restricted to three or four storeys / three storeys / limited to height of adjacent buildings
- Harmful to streetscape and to neighbouring businesses that will have less prominence in the streetscape
- Detrimental to the amenity of neighbouring residents
- Too dense, too high
- Noise issues
- A development of this size would need twice the number of car parking spaces that are proposed
- Detrimental to the character and appearance of the streetscene and general locality
- The buildings would be out of character from the rest of the street and will be towering above the local buildings
- The height reduction on Ballards Lane from 5 stories down to 4 is from the "removal" of a floor that was recessed from the street, so there is no major difference in visual impact; still significantly taller than neighbouring Martyn Gerrard House.
- Excessive demand on local utilities.

- Increase in social and public problems in the area.
- Likely to serve only as another investment opportunity for landlords rather than the creation of real social housing which is severely lacking in the area.
- The Martyn Gerrard building which is attached to Hartnell House was refused planning permission to build an extra floor. A bigger and bulkier building should not therefore be approved.
- Approval would make a complete mockery of Barnet's Local Plan.
- The revised plans are not considered to address the fundamental issues for residents of Gruneisen road.
- The reduction in the amended scheme will not prevent loss of light and privacy for some residents.

Neutral comment:

- Hendon and District Archaeological Society: - An Archaeological watching brief should be required.

4.1 Consultation Responses

Highways Officer: - No objections, subject to conditions.

Environmental Health: - No objections, subject to conditions.

Lead Local Flood Authority: - Although there was no objection to the previous application, subject to conditions, further information was requested on sustainable drainage. This has been provided by the applicant in the form of an Addendum to the Flood Risk Assessment that was submitted with the application. A further consultation comment is currently awaited, and any received will be noted in the Addendum report.

The London Fire and Emergency Planning Authority: - No consultation response received at the time of writing the report. For the 2017 application, The Authority comments to say that it strongly recommends that sprinklers are considered for new developments and major alterations to existing premises, particularly where the proposals relate to schools and care homes. Sprinkler systems installed in buildings can significantly reduce the damage caused by fire and the consequential cost to businesses and housing providers, and can reduce the risk to life. The Brigade opinion is that there are opportunities for developers and building owners to install sprinkler systems in order to save money, save property and protect the lives of occupiers.

Historic England: - An archaeological condition is requested.

5. Planning Considerations

5.1 Policy Context

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

The National Planning Policy Framework (NPPF) was published in 2012, and is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth. The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

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

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

- Relevant London Plan Policies:

3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 3.9 (Mixed and Balanced Communities), 5.1 (Climate change mitigation), 5.2 (Minimising carbon dioxide emissions), 5.3 (Sustainable design and construction), 5.7 (Renewable energy), 5.10 (Urban greening), 5.11 (Green roofs and development site environs), 5.13 (Sustainable drainage), 5.14 (Water quality and wastewater infrastructure), 5.15 (Water use and supplies), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Lifetime neighbourhoods), 7.2 (An Inclusive Environment), 7.3 (Designing Out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture), 7.18 (Protecting open space and addressing deficiency), 7.19 (Biodiversity and access to nature), 8.1 (Implementation), 8.2 (Planning Obligations), 8.3 (Community Infrastructure Levy)

Consultation Draft London Plan

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies:

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

- Relevant Development Management Policies:

DM01 (Protecting Barnet's character and amenity), DM02 (Development standards), DM03 (Accessibility and inclusive design), DM04 (Environmental considerations for development), DM06 (Barnet's heritage and conservation), DM07 (Protection of housing in Barnet), DM08 (Ensuring a variety of sizes of new homes to meet housing need), DM10 (Affordable housing contributions), DM11 (Town centres), DM14 (New and existing employment space), DM16 (Biodiversity), DM17 (Travel impact and parking standards), The Council's approach to all development as set out in Policy DM01 is to minimise impact on the local environment and to ensure that neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow, amongst other things, privacy amenity and outlook for adjoining occupiers.

Mayor of London's Supplementary Planning Guidance

- Mayor of London's Housing SPG
- Mayor of London's Affordable Housing Viability SPG
- Shaping Neighbourhoods: Play and Informal Recreation SPG

- Control of Dust and Emissions during construction and demolition SPG

London Borough of Barnet Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

Affordable Housing SPD

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

Skills, Enterprise, Employment and Training SPD

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

Planning Obligations SPD

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

Other relevant planning documents

London Borough of Barnet Characterisation Study

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

5.2 Main issues for consideration

The application seeks to overcome the reasons for refusal of the 2016 planning application, ref. 17/2039/FUL. Key issues for consideration therefore relate first to whether the reasons for refusal would be overcome, and secondly to other key issues that may have arisen due to the differences in the refused and proposed schemes, as follows:

(i) The issues in the reasons for refusal:

- Overdevelopment of the site that would be detrimental to the character and appearance of the streetscene and general locality, by reason of its height, massing, siting, scale, and density.
- Limited on-site car parking and offer to fund CPZ study was not secured by a planning obligation.
- Lack of affordable housing, including the offer made not having been secured by a planning obligation.
- Lack of employment and skills training, which was not secured by a planning obligation.

(ii) Other key issues:

- Whether the principle of the change of use is acceptable.
- Whether the proposed commercial unit is acceptable
- Whether the mix of residential accommodation is acceptable
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether living conditions for future residents would be of an acceptable standard.
- Whether the proposals would have an acceptable impact on archaeology.
- Environmental and sustainability Issues.
- Whether the proposals would make adequate provision for accessibility.
- Section 106 and Community Infrastructure Levy (CIL).

5.3 Assessment of proposals

5.3.1 Whether the application has overcome the reason for refusal in the previous application

Reason 1 - Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

The proposed development would occupy the same footprint as the 2017 application, with the key difference being that it would be reduced by one storey over the bulk of the building footprints. As in the 2017 application two buildings are proposed with courtyard car parking between them. Block A would have frontage to Ballards Lane and would be aligned at the front to the linear development to the south. While the existing building on the site is set back from the adjoining building to the south-west (191 Ballards Lane), Block A would extend forward to match the front building line of this neighbouring building. Block B would have frontage to Gruneisen Road. This area is currently occupied by carparking with some planting on the street frontage.

It is noted that the proposal would result in a more urban character, which is however considered to be acceptable in the context of the apartment building at Hartnell Court and buildings in various business uses on the southern side of to Gruneisen Road.

Density

The gross site area for purposes of assessing density is approximately 0.19 hectares. The London Plan and LBB Residential Design Guide SPG sets out that for sites in urban locations with good public transport accessibility (PTAL 4 or above), density ranges of 200-700 habitable rooms and 45-260 units per hectare are advised. For suburban sites, 200-350 habitable rooms and 45-130 units per hectare are considered appropriate (so with upper figures at half of those for urban sites). This site is a mix of both, with the southern part being more urban (within the Town Centre) and the northern part more suburban. It is noted however that, in the draft London Plan which is currently being consulted on by the Greater London Authority, density limits are removed.

Based on the plans provided, the whole site would be developed at 247 units per hectare. This is within the suggested range for urban areas, although high for suburban areas. However, it is noted that the whole site has urban characteristics with the ground that is currently not built on being taken up in hardstanding, with three storey flats with basement car parking adjacent at Hartnell Court and business premises adjoining at both 197 Ballards Lane and 11 Gruneisen Road. Policy 3.4 of the London Plan advises that development should optimise housing output for different types of location within the relevant density range but that the density matrix should not be applied mechanistically, and that other factors should be considered in optimising potential. The GLA Supplementary Planning Guidance on Town Centres states that such areas are well suited to high density development. The adjacent development outside the town centre represents a range of building scales that exclude single family dwellinghouses, making this a typical edge-of-centre location where a higher density than typical of suburban areas is considered to be acceptable. Other aspects of the scheme have also been taken into consideration in arriving at this conclusion, which are discussed below.

Scale and Massing

The proposed Block A would be a maximum of five storeys in height, a reduction of one floor as compared to the 2017 scheme. As in that scheme, the main element at street frontage would be four-storeys high (ground to third floor level) and above that, the fourth floor would be set

back from the street frontage. At the rear, towards Wentworth Lodge it would be three stories high, stepping up to four and then five stories high. In the refused application, the building would have been four stories high at the rear, stepping up to five and then six stories.

While this block would be the tallest building in the immediate vicinity and considerably taller than neighbouring buildings, it is considered that with careful attention to high quality exterior materials the proposed building would be of a quality that would improve the overall appearance of this part of the Town Centre, while also providing an appropriate reduction in scale compared to the 2017 application that was refused.

Block B has also been reduced in scale as compared to the refused 2017 application. While the rear part of the building would be four-storeys high, as in the refused application, the front part would be three stories high so that the Gruneisen Road frontage would fit the scale of development opposite. As compared to the refused application, it is considered that this reduces the impacts on the residential occupiers of Gruneisen Road, and the removal of a fourth level of accommodation in the mansard roof in the previous application would further reduce impacts on occupiers in the closest flats at Hartnell Court. While the building line for Block B continues to sit slightly forward of the garage to the west, it is considered that the scale of the proposed building to Gruneisen Road would be appropriate in the context of its neighbours, and would not be overly scaled as compared to them. It is therefore considered in this context that the proposed massing of the block to Gruneisen Road would not cause material harm to the character and appearance of the streetscene and general locality.

The cladding material for both buildings would be predominantly brick, with charcoal grey window frames and green roofs. The fourth-floor level at Block A would have a grey metallic finish, resulting in a recessive appearance that will accentuate the main brick-built element of the building. Subject to construction in appropriate high-quality materials, it is considered that both buildings would provide high-quality additions to the built environment in this location.

External Appearance

Nearby buildings on Ballards Lane include a mixture of commercial terraces with traditional details such as balustrades and banding, and more isolated modern flat-roofed development along with the modern shallow-pitched roof at Hartnell Court. Buildings on Gruneisen Road consist of a mix of late 19th century terraces and a larger villa along with commercial premises. The drawings show that the buildings would be finished in a buff or light brown brick cladding for the main elements in each building, with a grey metal finish for the upper floor at Block A. Recessed window openings would feature on the two front elevations, with balconies to the rear although these are reduced in number from the proposals as first submitted. The materials would give a mix of contemporary and traditional influences, reflecting the mixture of more modern development in the town centre and the more traditional buildings on Gruneisen Road. Rusticated brick patterning would be provided to add design interest on higher walls, and green walls could be provided in more appropriate locations, as recommended in the proposed condition. Green roofs are provided over most of the building footprint.

In order to ensure that the appearance of the building is not marred by the addition of significant external fittings that have not been considered as part of the design, a condition is also recommended that permitted development rights for installation of telecommunications equipment on

the building should be removed, to ensure that the clean lines of the building as shown on the submitted computer-generated images (CGIs) are retained.

Landscaping

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

Conclusions regarding Reason 1

Taken the above points and reductions in the scale of the two buildings as compared to the refused application, it is considered that the current proposals including the amendments received during this application would successfully overcome the previous reason for refusal in regards to height, massing, siting, scale, and density.

Reason 2 - Whether the proposals would have an acceptable impact on highway and pedestrian safety

As with the refused application for 52 flats, 24 car parking spaces are proposed including 4 disabled parking spaces. There would also be 82 cycle spaces in two stores, one in each of the two buildings. The Public Transport Accessibility Levels (PTAL) score for the site is calculated as 4, representing a good level of accessibility by public transport.

Barnet's parking standards provide for up to 1 car parking space for 1-bedroom units, and 1 to 1.5 spaces for 2 and 3-bedroom units, dependent on the PTAL rating for any given site. This equates to a range of parking provision of between 22 to 57 parking spaces, and taking into account the PTAL rating of 4 for the site, the Highways Officer has calculated the parking provision required to meet the anticipated car parking demand at 34.8 spaces. Car parking provision would therefore fall short by approximately 11 parking spaces.

To mitigate the shortfall, the application has included information in a Transport Statement (TS) prepared by Ardent Consultant Engineers. This sets out that, based on the 2011 Census Data, car ownership in the surrounding area is 0.86 per household, suggesting a potential higher parking demand at approximately 40 parking spaces. A parking beat survey has therefore been carried out, which included:

:

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

These surveys were carried out between 1st and 5th July 2017. The survey indicated that there is sufficient on-street parking available within the identified area during night times and at the weekends to accommodate any potential overspill parking. However, the survey showed that the roads in closer proximity to the site suffer from greater parking stress than roads further away from the site. It is noted that the site is located on the edge of a one Hour Controlled Parking Zone (CPZ), near of road with uncontrolled parking, and that overspill parking could further exacerbate the parking pressure. In order for this to be acceptable, the developer would need to provide financial contributions towards the future review and implementation of a review of the existing CPZ, including provision for the amendment of the Traffic Management Order for the future residents of the development to be exempted from purchasing CPZ parking permits. This is provided in the Recommendation above.

A Travel Plan (TP) has also been submitted with the planning application, and a contribution of £5,000 would be required towards the monitoring of the TP. Overall acceptability of the scheme in Highways terms therefore requires the following contributions to be secured in a section 106 agreement:

CPZ Contribution:

(c) A contribution of £114,034.79 will need to be secured towards the proposed CPZ works as follows:

- To undertake review of the existing CPZs;
- To implement the outcome of the review;
- To undertake consultation on roads currently outside the CPZ area in the proximity of the site; and
- to implement the outcome of the CPZ consultation.

(d) A contribution of £2,000 would also need to be secured to amend the existing Traffic Management Order to exempt permits.

Travel Plan Contributions:

(e) Travel Plan monitoring contributions of £5,000 is required, and

- (f) £7800 is also needs also to be set aside by the applicant towards the Travel Plan Incentives in accordance with the Planning Obligations SPD.

Electrical Vehicle Charging Points would need to be provided in accordance with the London Plan Parking Standards, and 87 cycle parking spaces are proposed, also in accordance the London Plan Cycle Parking Standards. Refuse stores are to be provided on the frontage of both Ballards Lane and Gruneisen Road. The bin store should be located within 10m of the public highway on a levelled surface. The relevant recommended conditions provide for this.

Conclusions regarding Reason 2

Subject to the completion of the section 106 planning agreement and to conditions as recommended in this report, it is considered that the second reason for refusal of the previous application would be successfully overcome.

Reason 3 - Whether the proposals make sufficient provision for affordable housing.

Policy DM10 of the Development Management Policies Document states that the maximum reasonable amount of affordable housing will be required on site, subject to viability. The applicant has provided a Financial Appraisal Supporting Statement in support of the scheme, which has been independently reviewed on the Council's behalf. The review concludes that the scheme can provide a development deficit of £1,137,694. The applicant has offered to provide three on-site units, comprising 2 no. 1-bedroom and 1 no. 2 bedroom flats. As this falls well short of the minimum 40% provision set out in Policy DM10, it is considered that this offer of shared ownership units would only be acceptable:

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

The review clause is intended to ensure that, if the profitability of the scheme is sufficiently improved on the level projected in the applicant's viability assessment, an additional financial contribution towards provision of affordable housing would then be secured, with the ceiling amount to be the value equivalent to the policy compliant level of provision.

The applicant has referred to a recent High Court decision where four retirement house-builders took the Mayor of London to the High Court challenging the Mayor's Affordable Housing Viability policies (SPG McCarthy and Stone Retirement Lifestyles Ltd and others versus Greater London Authority (ref. EWHC 1202, 23 May 2018)). Within the decision, the judge noted that the SPG requires that all sites of over ten homes should be subject to at least three viability appraisals. The Judge referred in the decision to the Mayor's SPG as not aligning with the London Plan and therefore being unlawful in one respect. The applicant has also provided a legal opinion which makes a case that the requirement for

a late stage viability review is therefore unlawful. Officers are seeking a legal opinion on this point, and further details will be provided in the Addendum report or verbally at the Area Planning Committee meeting where this application is considered. It is however noted at this stage that the judge did not request that the SPG be quashed or altered at this stage, and it is therefore considered that the viability review process remains within the Mayor's SPG at this time.

It should also be noted, that the late review mechanism would only be triggered when the scheme has reached a 'breakeven' point. This means that the scheme would be able to achieve the appropriate profit level prior to any additional payments being made to the LB Barnet. Therefore, by offering three affordable housing units and the inclusion of a review mechanism, the applicant would not be required to provide any additional funding towards affordable housing obligations until the provision of the three units offered is within a scheme that is viable in terms of baseline profit levels.

Conclusions in regards to Reason 3

At this stage it remains the opinion of officers that, with an early and late stage review mechanism and three shared ownership housing units secured by a section 106 agreement, the third reason for refusal of the previous scheme would be successfully overcome. In the event that the Council's solicitors agree that the late review mechanism should be dropped, the early review would remain.

Reason 4 - Whether the proposals make sufficient provision for apprenticeships and skills training

The Council's Skills, Employment, Enterprise and Training SPD sets out mechanisms and benchmarks for ensuring that development positively contributes to Barnet's economy. This is provided for in part by the Skills, Employment, Enterprise and Training framework (SEET), which is intended to ensure that development provide new job opportunities through construction and / or end use. This can be provided either on site and / or by way of a commuted sum for off-site provision. The later would need to be provided for in a section 106 obligation which would be for training and employment to be provided, either on site or by way of a commuted sum for off-site provision. In this case, provision should be made for four apprenticeships, and Recommendation II above provides for this either on- site or off- site.

Conclusions regarding Reason 4

Subject to providing the above employment training or alternatively for off-site provision, the inclusion of this element within a section 106 agreement would overcome the fourth reason for refusal.

5.3.2 Other key issues

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

Whether the principle of the development is acceptable

Loss of the Police Station

The proposals seek to demolish the existing police station building and replace it with two residential blocks. Policy DM13 relates to community uses and states that 'Loss of community or educational use will only be acceptable in exceptional circumstances where:

- i. New community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location;
- or
- ii. There is no demand for continued community or education use, and that the site has been marketed effectively for such use.'

London Plan policy 3.16 states that:

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

Page 129 of the Core Strategy suggests that a police station would not technically fall under the description of a community facility and therefore should not be considered under policy DM13. However it must be noted that such a facility could provide some community benefit and this has been considered in the previous applications involving loss of the facility. It was noted then that Policy CS12 states that LB Barnet will work with the Metropolitan Police to provide remodelling of its estate as a basis for an effective and responsive police service in Barnet.

The applicant advises that the police station was identified as being surplus to requirements in the Mayor of London's Policing and Crime (MOPAC) Estates Strategy 2013-2016. The building is no longer used by the Metropolitan Police. Given that the Metropolitan Police have already identified the site as being surplus to requirements, and further needs to be balanced against the benefits that the proposed housing units would provide, including as the three shared-ownership units, it is therefore considered to be no policy objection to the loss of the police station.

Whether the proposed commercial unit is acceptable

Policy DM11 essentially supports Class A uses within a secondary retail frontage, and the A1 use proposed for the 161 sq.m. commercial unit is considered to be appropriate.

Whether the mix of residential accommodation is acceptable

While Policy DM08 identifies family sized homes as the biggest priority for housing delivery in Barnet, the proposals would make provision for significant numbers of smaller units, including a range of studio units and 1 and 2 bedroom flats. While only 2no. 3-bedroom flats would be provided, the site is within a town centre, and therefore is suitable for delivering smaller sized units. The mix of unit sizes is therefore considered to be appropriate for this site.

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

Daylight and Sunlight

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

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

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

Officers requested further information in regards to 2 - 12 Gruneisen Road (evens) and a supplementary report was also provided that gave further consideration to these properties. The reports set out that the impact of the proposals would be compliant with BRE standards with the following exceptions:

- Three first floor rear window at Hartnell Court, which currently have outlook onto the police station car park. Two of these are overhung by balconies, so the impact of these results in their current marginal performance.
- A single first floor rear window at Wentworth Lodge.

It is notable that some non-compliance noted for the Gruneisen Road properties opposite the site, which were noted in the report for the previous application, has now been eliminated. In the refused application this would have impacted on individual windows within the ground floor bays at 2, 4, 6 and 8, where one or two of the three windows in each bay would have been slightly under the BRE standard. As noted in the previous report, when the bays were considered, the light afforded to these properties complied with the BRE standard. The removal of the third-floor element on Block B facing these properties as included in the refused 2017 application, has improved further this relationship.

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

Outlook, visual impacts and privacy

Separation from ground to third floor levels would be located between 8.7m and 10.0m from Wentworth Lodge to the rear for ground, first and second floor levels, stepping in at third and again at fourth floor level. In the refused scheme, the element closer to Wentworth Lodge would have been one storey higher, and it is the reduced height of this element in particular that results in the largest improvement for occupiers of that neighbouring development. It should be noted that the separation from the rear of the existing building is a minimum of 6m from the main central element at WL facing the development; this steps forward 1.5m from the building line to either side of it, resulting in an separation of 7.5m from this part of the building. The proposed scheme represents an improvement over this, albeit that the rear of Block A would be wider than the ex-police station that would be replaced (the rear element would be 6m wide, widening to 14.5m where it steps a further 1.5m in from the rear boundary, as against the 6.5m for the length of the existing rear wing at the ex-police station building). There would be no directly facing windows in this part of the rear elevation on first to third floor levels, and while there are windows and a balcony at fourth floor level the angle of views from them to the rear is such that direct views to habitable and balcony space at Wentworth Lodge are obscured by the projecting floors below. Measured, on plan, separation distances to the line of the rear façade at Wentworth Lodge would be as follows: These are all horizontal measurements which would be above the window line at this neighbouring property:

- from rear of the balcony - 14m (angled) and 15.5m (directly to rear)
- from closest rear facing window - 16m (angled) and 17.5m (directly to rear)

However, the view would be to the very top of the façade, above the top of the window level. The privacy of occupiers from any overlooking here could be specifically protected by the recommended levels condition.

The rear elevation drawing shows decorative brickwork on the rear-most part of the façade, and all windows in the rear flats are side-facing to avoid impacts on Wentworth Lodge. While this is an acceptable design approach, it is considered that a green wall would be visually

preferable. This has been discussed with the applicant and is provided for in the conditions as recommended above. It is acknowledged however that a green wall could potentially have some adverse impact on internal light levels at Wentworth Lodge due to the darker colour and lower reflectivity of foliage as compared to a light buff brick, and if this is demonstrated to be the case then it would be necessary to revert to the use of brick only on this elevation. The same approach is also recommended for the flank elevation of the front part of Block B where it faces Hartnell Court. Block B would be sited to the rear of Hartnell Court. For residents at this neighbouring development, the bulk of Block A will be apparent in angled views. In the previous application screens were recommended on the corners of some balconies to divert views towards Hartnell Court; however, in this proposal the balconies that would have been the most visible at Block A from these neighbouring flats have been deleted in amended drawings. These have removed six balconies to the rear of Block A, three of which would have been towards the north-west corner of the building with views towards Hartnell Court and three towards the south-west corner, which would have had views to Wentworth Lodge and its private amenity space to an extent that was considered intrusive.

As noted previously, the key difference in Block B as compared to the refused 2017 scheme is that a mansard roofed element to the front of the building has been deleted, reducing the height of this part of the building from four to three storeys. As with the refused scheme, reference to the approved floor plans for Hartnell Court show that kitchen areas for three flats in the north-east part of this neighbouring development would face the closest part of Block B at a distance of 11.5m. The living areas served by the bay window and balconies for these flats would be 20m from the larger part of Block B, and a minimum of 14.5m from the external rear access walkways at first and second floor levels that would provide access to two flats at these levels. Computer generated images for the proposal show privacy screens at the ends of these access walkways and these would be secured by condition to prevent overlooking from occupants coming and going to and from their flats. Balconies on the facing façade at Block B were deleted during the previous application, and amended to the angled windows that are included also in this scheme to ensure that there would be no direct views towards Hartnell Court. Balconies would be visible from Hartnell Court only on the rear (south-west side) of Block B, where they would be over 20m from the rear corner of the closest rear garden and over 30m from the closest rear window to the west at Wentworth Place, and over 21m from the closest windows and balconies at Hartnell Court. It is considered that this distance is sufficient to preserve the privacy of occupiers on both sides, although if Members have any remaining concerns in regards to impacts on Hartnell Court then condition 38 as recommended above could be amended to require privacy screens to the south-east side of these balconies. It should be added that these balconies would provide no views to habitable room windows at Wentworth Lodge.

While opportunities for landscaping in the areas between the two proposed blocks would be limited, indicative landscape proposals provide for a pergola and climbing plants to be provided over the car parking spaces adjacent to the Hartnell Court boundary, and a triangular area of about 26 sq.m. of more substantial planting is also proposed on this boundary. This would improve the appearance of the currently hard-paved car parking area at the former Police Station, and result in a considerable improvement to this aspect of the existing outlook to the rear of Hartnell Court.

Overall, it is considered that, while there would be some loss of outlook for residents at both Wentworth Lodge and Hartnell Court, scale and spacing of the buildings is sufficient to ensure that no harmful sense of enclosure would result from the proposals. Views between habitable room windows are at sufficient distances to ensure that no harmful loss of privacy would result, and the potential overlooking from balconies in

the previous schemes has been overcome by the deletion of the majority of the balconies; those that remain in the drawings now under consideration are at acceptable distances and angles from neighbouring properties to ensure that they would not impact significantly on neighbouring occupiers. It is considered therefore that impacts on outlook and privacy would not be so great as to warrant a robust reason for refusal.

Noise and disturbance

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

Light Pollution

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

Conclusions on neighbour impacts

While the 2017 application was not refused on grounds of neighbour impacts, it is considered that the changes between that application and the scheme currently being considered have taken neighbours objections into account, and produced a scheme that better addresses concerns regarding impacts on privacy and outlook. It is not considered that the application should be refused on any related grounds.

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

Daylight and sunlight

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

Privacy

One issue for privacy within the development relates to the use of the garden area at the rear of Block A. Any communal use of this garden would be in close proximity to the habitable room windows of adjacent flats, resulting in unacceptable impacts on the privacy of these flats. It

is therefore considered that this space should be apportioned as private amenity space to the adjacent flats. It would be acceptable to provide for direct means of access between the flats and their private amenity space, and this is provided for in a condition.

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

Internal Space

The proposed units would all comply with the internal spaces standards in the Mayor's London Plan and LBB Sustainable Design and Construction SPD. Five of the flats would be wheelchair units, which is more than the 10% stipulated in the London Plan standards.

Amenity Space

Under policy DM02 and the Supplementary Planning Document: Sustainable Design and Construction, approximately 605 square metres of amenity space would be required to serve the development. Amenity space is provided in the form of balconies and private gardens for some of the ground floor flats in Block A. As part of amendments to avoid unacceptable overlooking, a further reduction in the number of balconies has been made. While some flats would have their own private balconies and ground floor flats to the rear of Block A have private gardens that together provide a total of 302 sq.m. of private amenity spaces, the majority of units would not have access to private amenity space. Shared amenity spaces amount to approximately 106 sq.m., giving a total for the site of 407 sq.m. which represents a shortfall of 198 sq.m. However, it is noted that a significant part of the site (Block A) is within the town centre, and that Victoria Park is readily accessible. It is therefore considered that the proposals would provide an acceptable level of amenity in this location.

Playspace

As noted for the previous application, on-site play space is not provided within the development. For the previous application, the Council's Greenspaces Manager was consulted, and based on the site's proximity to Victoria Park it was agreed that a contribution to additional provision of play space within the Park was not required.

Conclusions on the amenities of future occupiers

Overall, it is considered that the proposal offers a good standard of amenities for future occupiers, including future shared ownership buyers and disabled occupiers.

Whether the proposals would have an acceptable impact on archaeology

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

Environmental and sustainability issues

Air quality

An air quality report accompanies the planning application. The majority of the building is set back from Ballards Lane. Mitigation measures include 'mechanical ventilation system which draws air from the roof or rear of the building'. This would be acceptable to Environmental Health officers subject to details. Potential issues relating to dust during construction could be dealt through a construction management plan, as provided for in the recommended conditions.

Biodiversity and wildlife

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

Building sustainability

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

Whether the proposals would have an acceptable impact on local drainage

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

Whether the proposals would make adequate provision for accessibility

The application scheme is required by Policies 3.5 and 3.8 of the London Plan and LB Barnet SPDs to meet Building Regulation requirement M4(2) for 90% of the units and M4(3) for the remaining 10%. As noted above the number of wheelchair units proposed (5 out of 47) exceeds this requirement. A condition is recommended to secure this level of accessibility within the development.

Energy use within the development

The applicant has provided an energy strategy which indicates that enhanced insulation and photovoltaic panels can provide good energy performance with 35% reductions in CO2 emissions for the non-residential component of the development, and zero carbon for the residential component. Discussions are on-going at the time of writing this report, and this will be updated in the Addendum. In terms of water consumption, a condition would be attached in the event planning permission is granted to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan.

Section 106 and Community Infrastructure Levy

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

5.4 Response to Public Consultation

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

With regards to the reference to a refused application at Gerrard House, while each planning application must be determined on its own merits, it is noted in the planning history for that site that application ref. F/04628/12 was refused planning permission on 14 March 2013 for a third floor extension over existing second floor including alterations to roof to create new office space. Application ref. F/02072/13 was subsequently made, and approved subject to conditions on 23 Jul 2013, for a third floor roof extension including a front and a rear dormer window to facilitate conversion into a new office space.

The above applications related to extensions to an existing building, rather than to a new-build property.

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

6. Equality, Diversity and Human Rights issues

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

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

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

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

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

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

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

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

7. Conclusion

Having taken all material considerations into account, the proposed development is considered to have sufficiently addressed the reasons for refusal of application ref. 17/5250/FUL, subject to the recommended conditions and to the completion of a section 106 agreement that provides for the matters set out in Recommendation II above.



Location Tudor Court 2 Crewys Road London NW2 2AA

Reference: 17/3921/FUL

Received: 20th June 2017

Accepted: 18th July 2017

Ward: Childs Hill

Expiry 12th September 2017

Applicant: Mr Jack Frankel

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

AGENDA ITEM 10

Recommendation: Approve subject to s106

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

RECOMMENDATION I:

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

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

3. A contribution of £2,000 (index linked) to cover the costs of making an amendment the existing Traffic Management Order to prevent the future occupiers of the development from being able to obtain parking permits for the Controlled Parking Zone.

4. Monitoring of the Agreement £100.00

Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

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

the wording of the conditions considered necessary by the Head of Development Management or Head of Strategic Planning:

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

-Site Location Plan

-Drawings: EWG_001-02A, EWG_001-03A, EWG_001-04A, EWG_001-05A, EWG_001-06A, EWG_001-07A, EWG_001-08A, EWG_001-13E, EWG_001-14C, EWG_001-15D, EWG_001-19B, EWG_001-22B, EWG_001-23C, EWG_001-30A, EWG_001-31A and EWG_001-38C.

-List of materials to be used in the external surfaces of the building(s) as per Schedule of Proposed Building Materials produced by Icon Building Consultancy

-Photographs

-Planning Statement

-Water Efficiency Calculator Document

-Construction Management Plan

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

2 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).

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

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

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

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2016).

5 Prior to the first occupation of the units, details of the proposed method of screening and guard rail to the walkway at fourth floor level must be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details before the development is occupied.

Reason

To ensure that the proposed development is not detrimental to the amenities of occupiers of neighbouring residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

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

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

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

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

8 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.

9 Prior to occupation of the proposed flats all balustrades shall be constructed in accordance to the approved drawings as shown on drawing no. EWG_001-13E and shall remain as such permanently thereafter.

Reason:

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

RECOMMENDATION III:

0 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 20/09/2018, unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason(s):

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

Informative(s):

- 1 In accordance with paragraphs 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. 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.

- 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.

Officer's Assessment

The application was deferred from the June meeting of the Committee so that Members could undertake a site visit.

1. Site Description

The site property is Tudor Court; a five storey detached building containing 24 flats which include 3No. flats being assessed under the current application at roof level. The proposal property is located on the corner of Cricklewood Lane and Finchley Road and occupies a moderately prominent position in the street scene of both roads due to its height and changes in level in the surrounding area.

The property is not listed and does not lie within a conservation area.

2. Site History

Reference: 17/7387/FUL

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

Decision: Approved subject to conditions

Decision Date: 27 April 2018

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

Reference: 17/7288/CON

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

Decision: Approved

Decision Date: 28 December 2017

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

Reference: 17/6966/CON

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

Decision: Approved

Decision Date: 14 December 2017

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

Reference: 17/5417/CON

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

Decision: Approved

Decision Date: 04 October 2017

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

Reference: 17/5139/S73

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

Decision: Approved subject to conditions

Decision Date: 04 October 2017

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

Reference: 17/4294/CON

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

Decision: Split Decision

Decision Date: 14 August 2017

Description: Submission of details of conditions 3 (Refuse), 5, (Measures Taken - External Noise) 7 (Environmental Standard - Residential) , 8 (Construction Method Statement) and 9 (Details - Screening and Guard Rails to Walkways) pursuant to appeal decision APP/N5090/W/14/3001725 dated 06/05/15 (planning ref. F/03198/14).

Reference: 17/2155/NMA

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

Decision: Approved subject to conditions

Decision Date: 27 April 2017

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

Reference: 16/0639/FUL

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

Decision: Allowed on Appeal

Decision Date: 30 June 2016

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

Reference: 15/06962/FUL

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

Decision: Refused

Decision Date: 15 January 2016

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

Reference: F/03198/14

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

Decision: Refused

Appeal status: Allowed

Decision Date: 15 August 2014

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

Reference: F/05718/13

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

Decision: Refused

Appeal status: Allowed

Decision Date: 11 February 2014

Description: Two storey extension to provide 6no. studio flats.

Reference: F/04046/12

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

Decision: Approved subject to conditions

Decision Date: 10 June 2013

Description: Extension to roof including new mansard roof to create 3no. self-contained residential units. New cycle store to ground floor level.

Reference: F/03629/10

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

Decision: Refused

Decision Date: 13 May 2011

Description: Formation of 6 no. studio units: 3 at ground floor level (Crewys Road Elevation), 2 above shops at second floor level (Cricklewood Lane Elevation), 1 at third floor level (Cricklewood Lane Elevation). (OUTLINE APPLICATION)

Reference: C01482B/07

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

Decision: Refused

Appeal status: Allowed

Decision Date: 1 August 2007

Description: Mansard roof extension to provide three new residential units with associated extended parapet and cornice, walkway and guard rail and roof terraces. Cycle store.

3. Proposal

The application seeks permission for retrospective planning approval for an 'Extension to roof including new mansard roof to create 3no. Self-contained residential units. New cycle store to ground floor level'.

Tudor Court is a 5 storey building including mansard roof containing a total of 24 flats including the 3No. flats being assessed under the current retrospective application.

Planning permission has also been granted for an additional 6 flats as an extension to the west side of the building. This has not been implemented but is an extant permission.

The application site lies at the corner of Crewys Road and Cricklewood Lane. The building is part two and part four storey on Cricklewood Lane. The flank of the two storey part of the building faces onto Crewys Road along with car parking, bicycle storage and outside amenity areas. The area along Crewys Road slopes upwards towards Cricklewood Lane.

There are mixed use commercial and residential properties on Finchley Road and Cricklewood Lane and residential terraced properties on Crewys Road and off main roads.

The property is not listed and does not lie within a conservation area.

4. Public Consultation

Consultation letters were sent to 244 neighbouring properties.

17 responses have been received, comprising 14 letters of objection, 3 letters of support/comments.

Site Notice dated: 27 July 2017.

The objections received can be summarised as follows:

- Latest in a very long list of failed applications
- Blocks views from all neighbouring windows
- Obstruction to light

- Devalues the properties
- Creates additional construction dust and noise pollution
- Beyond scope of original application
- Builders regularly playing music early with no regard to the public
- Flats are extremely overbearing and create an increased sense of enclosure to neighbouring property due to the development's size and proximity
- Overshadowing onto neighbouring balcony
- Loss of privacy as a large window of one of the flats would look directly onto neighbouring and walkway for accessing the new flats would also lead to loss of privacy
- Reduction in the standard of amenity of neighbouring dwellings in 713a Finchley road, in particular Flat 17, as a result of the overbearing nature of the development
- Scaffolding in place since November until the present day
- Fire hazard with increased number of residents and current exterior
- Lack of any green space resulting in visual pollution
- Overdevelopment of the site
- Parking issues within the Tudor Court car park. Parking spaces in the car park form part of the residents lease, and is clearly shown on our deeds so building on top of even one space cannot be legal
- Loss of light in the car park
- More pressure on the waste disposal area
- Overcrowding of Tudor Court
- Builders vehicles regularly blocking exit and entry

Internal Conultee

Highways:

S.106 Agreement required in relation to restricting parking permits for future residents of the proposal.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the

development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM08 and DM17.

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted 2016)

- Sets out Barnet's technical requirements for environmental design and construction management. The SPD sets out requirements on air, noise, water, energy, water, waste and habitat quality in order to achieve protection and enhancement of the environment. The SPD requirements are linked to existing national standards and guidance and will be updated in line with emerging opportunities and future policy developments.

Residential Design Guidance SPD (adopted 2016)

Sustainable Design and Construction SPD (adopted October 2016)

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

4.2 Main issues for consideration

The main issues for consideration in this case are:

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

4.3 Assessment of proposals

Previous almost identical schemes were applied for under planning references C01482B/07 and F/04046/12. The former application was refused and subsequently

allowed on appeal under reference APP/N5090/A/07/2055006 for 'Mansard roof extension to provide three new residential units with associated extended parapet and cornice, walkway and guard rail and roof terraces. Cycle store'.

Subsequently, the exact same scheme was applied for and approved under reference F/04046/12 dated 10.06.2013. The current application is for a similar scheme relating to 'Extension to roof including new mansard roof to create 3no. Self-contained residential units. New cycle store to ground floor level'.

It was evident from the officer site visit that works had already been implemented on site in relation to the planning permission reference 16/0639/FUL dated 30.06.2016 for 'Mansard roof extension to form 1no self-contained flat', an application which was allowed under appeal.

The current application is similar in size, siting and design to the above mentioned approved schemes for 3No. flats. The proposed mansard roof extension is set back behind the existing parapet to the Cricklewood Lane elevation by 0.7m and due to the location and height of the existing parapet the proposal in relation to its' size, siting and design is considered acceptable. It is considered that the addition is in keeping with the character and design of the existing building and due to the design and location of the proposed development does not form a prominent feature on the streetscene, despite its location at roof level.

Furthermore, the addition of three flats is not considered to result in significant increase in the intensity of the use of the site.

The main changes with this present application includes the addition of the bin store and formation of a car parking space to replace the lost car parking space for the bin storage and external switch room. Therefore, the car parking spaces will remain at 21 spaces to serve the 23 flats.

Whether the principle of residential units including the density of the development is appropriate for the area

Paragraph 3.28 of The London Plan 2016 states the following:

'A rigorous appreciation of housing density is crucial to realising the optimum potential of sites, but it is only the start of planning housing development, not the end. Its density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential - local context, design and transport capacity are particularly important...'

In this case, as the existing building is a block of flats, the principle of 3 No. additional residential units in this location is considered acceptable and has increased the number of flats from 21 to a total of 24 flats.

Whether the proposal will provide suitable accommodation for future occupiers

Space standard

The following units are proposed:

Penthouse A: 2 bedroom 4 person flat of 62m² (70m² is advised within Table 3.3 Minimum space standards within the London Plan 2016).

Penthouse B: 1 bedroom 2 person flat of 46.5m² (50m² is advised within Table 3.3 Minimum space standards within the London Plan 2016).
Penthouse C: 2 bedroom 3 person flat of 63m² (61m² is advised within Table 3.3 Minimum space standards within the London Plan 2016).

With regard to the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan (2016), although only one of the three units exceeds the requirement, it is considered that whilst penthouses A and B falls short of the internal space standard, albeit not by a large degree, the flats would be at a size previously approved under planning reference F/04046/12 and in this instance would be acceptable.

Amenity space

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5m² per habitable room. The proposed roof terrace for penthouses A & C would meet this requirement with no appreciable overlooking of neighbouring residents. Whilst Penthouse B does not have a private amenity space, it is considered that due to the existing courtyard to the centre of the building, external communal gardens and nearby Golders Green Park, that this amenity would serve for this flat, and therefore it is not considered expedient to refuse the application on this point, especially as permission has previously been allowed for the flats as built.

Daylight, Privacy and Outlook

All habitable rooms are considered to benefit from sufficient light, outlook and ventilation to provide future occupiers with a good standard of living which meet the requirements set out in Barnet's Sustainable Design and Construction SPD (2012).

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

As mentioned above, planning permission exists for a similar scheme of 3 flats under planning permission F/04046/12) and approval was also gained previously under an appealed decision reference C01428B/07. It is considered that due to the design of the roof extension that it sits proportionately at roof level and has an acceptable impact on the building as a whole. The proposed obscure glazed balustrades are not considered to be harmful to the character of the building and is discussed below in relation to its relevance and use in protecting the privacy of neighbouring occupiers. It is also noted that adequate fenestration has allowed for an acceptable design for this property which would not unduly harm the character of the general locality.

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

Policy DM01 of Barnet's Development Management Policies include makes explicit reference to protecting amenity and specifically that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users. This point is also supported by Barnet's Sustainable Design and Construction SPD which states that 'in new residential development there should be a minimum distance of 21 m between properties with facing windows to habitable rooms to avoid overlooking.'

The closest property near Tudor Court is No.713 Finchley Road; a 7 storey residential building. The proposed terrace for penthouse C is located on the east side corner.

However, the application will be conditioned to add a balustrade nearest to this area to protect the privacy of the neighbouring dwellings. Thus, whilst it is noted that railings have been erected at the site, the drawings show the locations of the proposed obscure glazed balustrades as shown on drawing no. EWG_001-13 Revision E; and therefore a condition will be added to ensure that these are erected in order to protect the privacy of neighbouring occupiers.

Furthermore, obscure glazed balustrades would be installed facing the front of the proposal flats to prevent any mutual overlooking or loss of privacy of the approved flats at the site.

It is considered that the proposal overcomes concerns regarding overlooking and loss of privacy between the properties at no. 713 Finchley Road and those of the application property and would not have harmful impacts on the visual and residential amenities of these neighbouring occupiers.

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

21no. parking spaces exist and would be retained on site. No additional parking is proposed. Highways officers are of the view that an amendment to the existing Traffic Management Order is required via a Section 106 Agreement in order to prevent the future occupiers of the development from being able to obtain parking permits for the Controlled Parking Zone. Subject to such an agreement, it is considered that the proposal would not adversely harm the safe operation of the highway.

5. Public Consultation

The objections received can be summarised as follows -

None planning matters:

- Latest in a very long list of failed applications
- Devalues the properties
- Creates additional construction dust and noise pollution
- Builders regularly playing music early with no regard to the public
- Builders vehicles regularly blocking exit and entry
- Fire hazard with increased number of residents and current exterior

The above are not generally planning considerations. Issues in relation to dust and noise should be referred to the Environmental Health Department.

Planning matters:

- Beyond scope of original application

The application in relation to the proposed dwellings is the same as approved under planning application reference F/04046/12 dated 10.06.2013.

- Reduction in the standard of amenity of neighbouring dwellings in 713a Finchley road, in particular Flat 17, as a result of the overbearing nature of the development
- Blocks views from all neighbouring windows

These matters were considered as part of the previous applications and any impacts considered acceptable.

-Parking issues within the Tudor Court car park. Parking spaces in the car park form part of the residents lease, and is clearly shown on our deeds so building on top of even one space cannot be legal

The legalities of the above are not a planning consideration. However, no parking loss will result from the application.

-More pressure on the waste disposal area

The application will be conditioned to include adequate refuse and recycling units.

6. Equality and Diversity Issues

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

7. Conclusion

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

Site Location Plan



Location **202 - 208 Regents Park Road London N3 3HP**

Reference: **18/2666/FUL**

Received: 1st May 2018

Accepted: 8th May 2018

Ward: Finchley Church End

Expiry 3rd July 2018

Applicant: Azzurri Group

Proposal: Creation of new outdoor seating area to front of restaurant

AGENDA ITEM 11

Recommendation: Approve subject to conditions

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

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

Z745 002 (Location Plan)

Z745 003 (Pavement Licence Plan)

Noise Impact Assessment (dated 13.04.18)

Outside Seating Area Management Plan (received 01.05.18)

Planning Statement (dated April 18)

Seating Details (01.05.18)

Table Materials (received 01.05.18)

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

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

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

- 3 The use of the outside seating area hereby permitted shall be restricted to the following opening hours:

09:00 to 22:00 Monday to Saturday; and

09:00 to 21:00 on Sundays.

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

- 4 The use of the outside seating area must be fully implemented in accordance with the approved Outside Seating Area Management Plan (received 01.05.18).

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

- 5 Prior to first use of the outside seating area, all tables and chairs shall be fitted with rubber feet and must be retained as such thereafter.

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

Informative(s):

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

Officer's Assessment

1. Site Description

The application site is located on the eastern side of Regents Park Road and comprises of a ground floor commercial unit in use as a restaurant. The unit forms part of a small parade containing a mixture of retail and commercial units, including others in A3 use.

Whilst this stretch of area is of mixed character located on a reasonably busy thoroughfare, the areas to the south, east and west of the application site are largely residential.

2. Site History

Reference: 17/3339/FUL

Address: 202 - 208 Regents Park Road, London, N3 3HP

Decision: Refused

Decision Date: 20 July 2017

Description: Creation of new outdoor seating area to front of restaurant with associated screening

Appeal Reference: APP/N5090/W/17/3187369

Appeal Decision: Dismissed

Appeal Decision Date: 31 January 2018

Reference: 17/2234/ADV

Address: 202 - 208 Regents Park Road, London, N3 3HP

Decision: Approved subject to conditions

Decision Date: 30 May 2017

Description: Installation of 1no externally illuminated hanging sign, 1no internally illuminated fascia sign and 1no internally illuminated menu box sign

Reference: 17/3340/ADV

Address: 202 - 208 Regents Park Road, London, N3 3HP

Decision: Pending Decision

Decision Date: No Decision Made.

Description: Installation of 1no internally illuminated and 1non illuminated fascia signs, 1no externally illuminated hanging signs and 2non illuminated awnings

Reference: F/00591/11

Address: 202 - 208 Regents Park Road, London, N3 3HP

Decision: Approved subject to conditions

Decision Date: 25 March 2011

Description: External alterations including frontage of restaurant to be painted white.

Reference: F/00415/11

Address: 202 - 208 Regents Park Road, London, N3 3HP

Decision: Approved subject to conditions

Decision Date: 9 March 2011

Description: 1 set of halo illuminated letters 1 x internally illuminated projection sign and awning.

Reference: C07125K/02

Address: 202 - 208 Regents Park Road, London, N3 3HP

Decision: Approved subject to conditions

Decision Date: 18 December 2002

Description: Single storey rear extension. New shopfront. Installation of new plant and extraction flue to rear.

3. Proposal

The application seeks to create a new outdoor seating area, which includes 7 tables and 14 chairs to the front of the restaurant. The associated barriers were approved under reference 17/3340/ADV.

It is sought to use the outdoor seating area between 09:00 - 22:00 Monday to Saturday and 09:00 - 21:00 on Sundays.

4. Public Consultation

Consultation letters were sent to 175 neighbouring properties.

10 responses have been received, comprising 5 letters of objection and 5 letters of support.

The objections received can be summarised as follows:

- Noise nuisance
- Loss of public pavement
- Security concern and anti-social behaviour
- Increased parking pressure from increased customers

The letters of support can be summarised as follows:

- The tables will not obstruct the walking area;
- Good addition for the summer months

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, CS9, CS13
- Relevant Development Management Policies: DM01, DM02, DM04, DM17

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the issues raised by the Planning Inspectorate about noise and disturbance affecting the living conditions of the neighbouring occupiers have been satisfactorily addressed.

5.3 Assessment of proposals

The application is identical in nature and layout to the previous application 17/3339/FUL which was refused by the Council and subsequently dismissed at appeal by the Planning Inspectorate.

Previously, the Council had concerns regarding the potential noise nuisance arising from the outdoor seating and without the submission of a noise impact assessment, there was no evidence to address or overcome this concern. As such the proposed level of harm was considered to be detrimental.

Within the appeal decision, the Inspector considered that the proposed seating area, being relatively close to the balconies of Coliseum Court, would have the potential to cause additional noise in the area. Without any evidence to indicate otherwise, the Inspector found that the proposal would have a harmful effect on the living conditions of the occupiers of Coliseum Court, with particular reference to noise and disturbance.

The applicant has since undertaken a formal Noise Impact Assessment (NIA). This study undertook a comparison of existing ambient noise levels at nearby residential premises and the predicted noise levels from the seating area during the proposed hours of use. They have taken that an increase of noise of more than 2 or 3 dB is considered likely to represent the threshold of acceptability. During an evening measurement between 19:00 to 22:00, levels of noise were recorded between 65.9 to 67.3 dB. The report acknowledges these levels as relatively high and reflects the busy nature of the vicinity. Typical maximum noise levels, from road traffic, were in the order of 75 to 80 dB. Using predicted noise levels from speech, the report finds the proposal would result in a negligible increase (0.4 dB) in noise levels at the nearest residential properties, with maximum noise levels significantly lower than the existing maximum noise levels from road traffic.

The applicant has also submitted an Outside Seating Area Management Plan (OSAMP) which sets out a number of measures such as:

- The outside area to be only used for dining;
- No parties larger than 4 persons to be allowed to be seated in the outdoor area;
- No outside music or speakers;
- The outside area will be designated as a non-smoking area;
- Last seating of guests will be at 21:00 (Mon-Sat) and 20:00 (Sun);
- The outside area to be cleared by 22:00 (Mon-Sat) and 21:00 (Sun);
- By 22:30 (Mon-Sat) and 21:30 (Sun), furniture is to be removed from the area quietly and placed inside.

In addition, the tables and chairs will be fitted with rubber feet.

The OSAMP and proposed operating hours were presented to the Planning Inspector during the appeal who commented that this document could help manage any 'rowdy' or particular noisy behaviour, and that the restricted opening times of this area could address concerns about noise in the late evening/early night period.

The Council's Environmental Health service has reviewed the submitted NIA and OSAMP and does not raise any objections to the details or results submitted.

Previously, without the submission of a NIA, the Council and Inspector had no evidence to demonstrate that the noise and disturbance generated would not be significant. This information has now been provided and has been assessed by the Council's Environmental Health service. In light of this and the proposed mitigation measures proposed, it is considered that the proposed harm would not be detrimental to the living conditions of the neighbouring occupiers.

The Council's Traffic and Development service has reviewed the proposal and comment that the proposed outdoor seating area will take up approximately 1.4m of the public highway and leave a remaining 3.3m width at the narrowest point of the footway. This is considered to be acceptable on highways grounds.

It is acknowledged that the proposal would have the potential to bring local economic benefits in supporting the provision of restaurants in town/local centres.

5.4 Response to Public Consultation

Noise nuisance - The applicant has undertaken a Noise Impact Assessment which has been assessed by the Council's Environmental Health service. They have raised no

objections in relation to any harmful effect on the living conditions of neighbouring residents in terms of noise and disturbance.

Loss of public pavement - The proposal will take up 1.4m of the existing footway, with 3.3m remaining. This is considered to be acceptable from a highways point of view and is not considered to be harmful to the users of the highway.

Security concern and anti-social behaviour - The applicant has submitted an Outside Seating Area Management Plan which sets out a number of measures which the restaurant has agreed to implement. These measures are considered to suitably mitigate any security or anti-social behaviour.

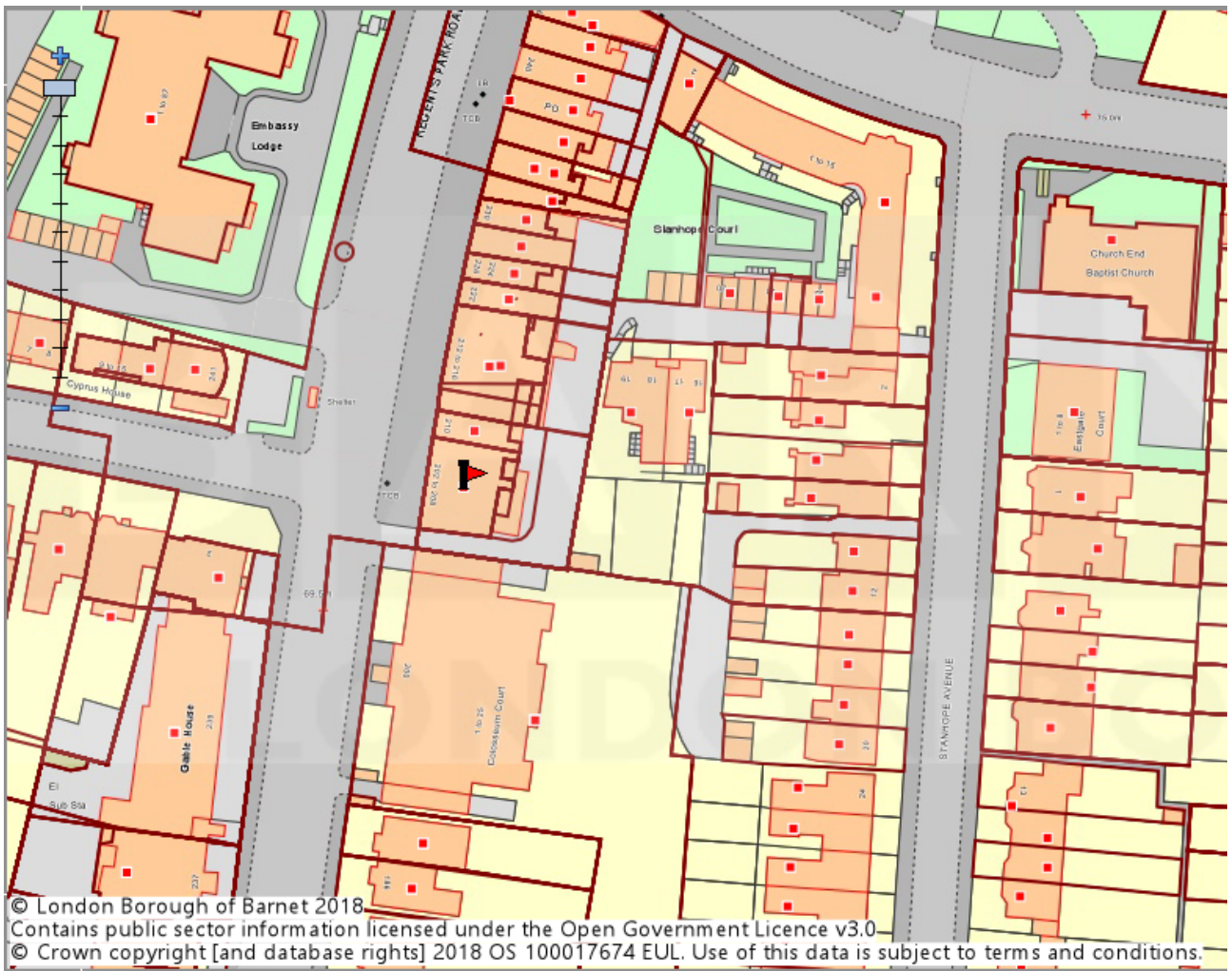
Increased parking pressure from increased customers - The proposal is not expected to generate an increased level of traffic or parking level which would have a detrimentally increased impact on the surrounding area.

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 is not considered to have a harmful impact on the amenities of neighbouring occupiers in terms of noise or disturbance. This application is therefore recommended for approval.



Location **5 Beaumont Close London N2 0GA**

Reference: **18/2471/FUL**

Received: 23rd April 2018

Accepted: 24th April 2018

Ward: Garden Suburb

Expiry 19th June 2018

Applicant: Mr Warwick

Proposal: Demolition of existing building and erection of a new two storey block comprising of 5 self-contained flats. Associated parking, refuse and recycling store, amenity space and cycle storage

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:

201727.P.1001 (OS Map)

201727.P.1002 A (Proposed Block Plan)

201727.P.1003 A (Proposed Site Layout Plan - Basement)

201727.P.1004 A (Proposed Site Layout Plan - Ground Floor)

201727.P.1005 A (Existing & Proposed Streetscape (High Road))

201727.P.1006 A (Existing Site Layout Plan)

201727.P.1101 (Existing Floor Plans & Elevations)

201727.P.1102 A (Proposed Floor Plans)

201727.P.1103 A (Proposed Roof Plan)

201727.P.1104 A (Proposed Ground Floor Plan & Comparison of Footprints)

201727.P.1105 (Existing & Proposed Driveway Layout)

201727.P.1106 (Existing & Proposed Section A-A; Proposed Detail A)

201727.P.1501 A (Proposed Amenity Space Plans)

201727.P.1502 A (Proposed Car Tracking Plans 1-7)

201727.P.1503 A (Proposed Car Tracking Plans 8 & 9)

Above Ground Tree Constraints Plan Existing (dated 07.06.18)

Above Ground Tree Constraints Plan Proposed (dated 07.06.18)

Below Ground Tree Constraints Plan Existing (dated 07.06.18)

Below Ground Tree Constraints Plan Proposed (dated 07.06.18)

Acoustic Note (dated 08.02.18)
Car Lift Design and Implementation (received 25.04.18)
Daylight and Sunlight Report (dated 09.01.18)
Design and Access Statement (received 23.04.18)
Development Site Impact Assessment & Method Statement (dated 07.06.18)
Addendum - Development Site Impact Assessment & Method Statement (dated 07.06.18)
Heritage Review (dated 20.10.17)
Transport Assessment (June 2018)

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

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

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

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

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

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

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

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

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

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

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

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

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

6 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2015.

7 a) No development other than demolition works shall take place until a scheme of proposed air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

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

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

8 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.

- 9 Refuse store shall be provided in accordance with the Drawing No. 201727.P.1004 A submitted with the planning application. Refuse collection points should be located within 10 metres of the Public Highway, at ground floor level on a levelled surface.

Reason: To ensure that the access to the refuse store is satisfactory in terms of highway safety development and to protect the amenity of the area and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 10 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 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2016).

- 12 a) Should any plant be installed within the site or on the building hereby approved, prior to installation, a report shall be submitted which has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

- 13 The level of noise emitted from any plant installed within the approved site 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.

- 14 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).

- 15 Before the development hereby permitted is occupied the car parking spaces and the access to the parking spaces as shown on Drawing Nos. 201727.P.1003 A and 1004 A submitted with the planning application 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.

- 16 Before the development hereby permitted is occupied, cycle parking spaces as per drawing No. 201727.P.1004 A submitted with the planning application 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.

- 17 The development hereby approved shall be fully implemented and strictly adhered to throughout all phases of demolition and construction to the approved Arboricultural Method Statement GD/17/0265LRV4/SH, Tree protection plan above ground GD/17/0265LRV2/TPP and Tree protection plan below ground GD/17/0265LRV2/TPP.

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

- 18 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed

per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

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

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

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

- 20 Prior to the first occupation of the 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.

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

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

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

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

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 6 Any details submitted in respect of the Demolition and Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling

of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.

- 7 The applicant advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

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

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

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

Officer's Assessment

1. Site Description

The application site is located on the western side of High Road, at the junction with The Bishops Avenue. The site lies on the southern outskirts of the East Finchley Town Centre and south of The Old White Lion pub. The site consists of a two-storey family dwelling which has a vehicular access off Beaumont Close.

The surrounding area is predominantly residential. This end of The Bishops Avenue consists of large detached single-family dwellings, however, on the opposite corner to the south, there is Bishops Court, a large flatted building. To the north is The Old White Lion pub and Archer Academy Upper School.

2. Site History

Reference: 17/2166/CON

Address: 5 Beaumont Close, London, N2 0GA

Decision: Approved

Decision Date: 14.08.2017

Description: Submission of details of condition 5 (Tree Protection) pursuant to planning permission 17/0175/HSE dated 09/03/2017

Reference: 17/0175/HSE

Address: 5 Beaumont Close, London, N2 0GA

Decision: Approved subject to conditions

Decision Date: 09.03.2017

Description: Single storey side extension

Reference: 17/0175/HSE

Address: 5 Beaumont Close, London, N2 0GA

Decision: Approved subject to conditions

Decision Date: 22.03.2013

Description: Single storey attached garage.

Reference: F/01456/12

Address: 5 Beaumont Close, London, N2 0GA

Decision: Refused

Decision Date: 17.05.2012

Description: Non-material minor amendment to planning permission reference F/02159/09 dated 14/08/09 for Removal of garage door and installation of two windows. Renewal of boundary enclosure facing Beaumont Close consisting of 2 metre high railings and associated landscaping. Amendments include changes to front windows of existing garage.

Reference: F/00040/12

Address: 5 Beaumont Close, London, N2 0GA

Decision: Approved subject to conditions

Decision Date: 07.02.2012

Description: Alterations and extensions to existing garage roof, including dormer window and roof lights to provide habitable roof space.

Reference: F/01245/10

Address: 5 Beaumont Close, London, N2 0GA

Decision: Refused

Decision Date: 24.05.2010

Description: Alteration and extension to the existing garage structure to provide bedroom accommodation within the attic.

3. Proposal

The application seeks the demolition of the existing building and the erection of a new two-storey building, with basement level and rooms in the roofspace, to provide 5no. self-contained flats. The proposal also provides off-street parking, refuse and recycling store, associated amenity space and cycle storage.

The application has been amended during the course of the application, consisting of the following:

- amendment to red line boundary to include stretch of Beaumont Close which provides access to the application site;
- alteration of proposed entrance to the application site off Beaumont Close and internal access road to relocate access further from the existing Oak tree (T1)

4. Public Consultation

Consultation letters were sent to 29 neighbouring properties.

18 responses have been received, comprising 17 letters of objection and 1 letter of support.

The objections received can be summarised as follows:

- Additional vehicle traffic will compromise the safety of pedestrian and cars entering and leaving Beaumont Close;
- Width of Beaumont Close does not allow for passage of ambulances or fire engines if any vehicle is present or parking in the Close;
- Exacerbate traffic management at the junction of the A1000 and The Bishops Avenue;
- Danger during demolition, excavation of the basement and construction will be enormously increased;
- Construction of an underground car park & hydraulic lift is excessive and unreasonable.

The letter of support received can be summarised as follows:

- The plans for the construction of 5 flats are acceptable, especially as the design is in sympathy with the neighbouring properties;
- Support the 5 flat development scheme.

Consultation responses

Environmental Health - No objection subject to conditions

Traffic and Development - The proposal is acceptable on highways grounds subject to conditions.

Urban Design and Heritage - Concerns raised regarding the scale of the proposal and visual impact.

Arboricultural Officer - No objection subject to conditions

Thames Water - There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection.

Hampstead Garden Suburb CAAC - Overdevelopment in terms of the height and site plan. Concerns raised regarding loss of trees and traffic generation.

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, CS9, CS13, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM17

Supplementary Planning Documents

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

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and The Bishops Avenue Conservation Area;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Provision of adequate accommodation for future occupiers;
- Highways and parking provision;
- Impact on trees;
- Any other material considerations.

5.3 Assessment of proposals

Impact on the character and appearance of the site, streetscene and conservation area

The site is located within Zone 1 of the Garden Suburb Conservation Area and has a prominent location on the corner. The plot has a separate character and plot size compared to the other properties along The Bishops Avenue. It is also physically separated by Beaumont Close and mature vegetation. It is acknowledged that the existing property is of a good architectural quality and sits comfortably within the plot. However, the building is not locally or statutory listed and therefore its demolition is not opposed in principle subject to a high-quality replacement building.

In terms of the principle of a flatted development, it is considered that due to its proximity to the town centre and the presence of the flatted developments at Bishops Court, Broomfield Court and Unwin Court, the introduction of a new flatted development on this site would not have a detrimental impact on the character of the site, surrounding area or conservation area.

While the proposal is considerably larger in scale and massing compared to the existing building, it is considered that the layout and siting of the building is acceptable and

provides an appropriate setting for the building and suitable separation between the elevations and boundaries. A concern has been raised by the Council's Conservation Officer that the building line fronting High Road is positioned forward of the adjacent properties of The Old White Lion pub and Bishops Court. The concern is that the proposed building will be more visually dominant within the streetscene. It is acknowledged that the building will be more visually apparent along High Road, but with its traditional appearance and appropriate height, it is not considered to be visually dominating or have an adverse visual impact which would detrimentally detract from the character and appearance of the streetscene. The characteristics of this site are different to the neighbouring properties which front onto the public highway.

The proposed height, massing and bulk is of a comparable scale to surrounding buildings and is not considered to be out of character or scale with the surrounding area. Its external appearance is considered to be comparable to the surrounding area. The proposed dormers are subordinate in scale and do not appear overly dominant within the proposed roof scape.

While the proposal will be more visually apparent when travelling along Great North Road and High Road, it is not considered to be visually harmful to the character of the site and streetscene which would warrant the refusal of the application.

Overall, the proposed design, scale, height and massing is considered to be acceptable in terms of the character and appearance of the site, streetscene and surrounding area. It is considered that the proposal maintains the special character of the conservation area and does not result in a detrimental level of harm.

The Old White Lion pub to the north of the site is a Locally Listed Building. The height of the proposed building would be lower than the pub building and given the separation distances between the buildings, it is not considered to have a harmful impact on the setting of this locally listed building.

In line with the Planning (Listed Building and Conservation Area) Act 1990 special regard is given to preserving the heritage asset. In this instance, it is considered that there is no harm associated with the proposal to the heritage asset and it is therefore acceptable having regard to the provisions of Policy DM06 of the Development Management Policies and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact on the living conditions of neighbouring occupiers

While the proposal is located within a residential area, it is bounded by Great North Road to the east and The Bishops Avenue to the south, a small private road lies to the west and provides separation between the adjoining site, as well as large mature trees and vegetation. The Old White Lion pub lies to the north. As such, given the context of the site, there would be no neighbouring properties in close proximity to the site. As such, it is considered that there would be no harmful impacts on the residential amenity of neighbouring properties in terms of overlooking, overshadowing or loss of light.

Provision of adequate accommodation for future occupiers

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

Design and Construction SPD set out the minimum space requirements for residential units. The proposal would provide the following units:

Flat 1 - 2B4P - 85.9sqm
Flat 2 - 2B4P - 84.5sqm
Flat 3 - 2B4P - 93.8sqm
Flat 4 - 2B4P - 101sqm
Flat 5 - 2B4P - 135sqm

All of the proposed units would exceed the minimum space standards. Each flat would benefit from a dual aspect outlook and would be considered to provide adequate accommodation for future occupiers in terms of outlook, daylight and sunlight.

Policy DM02 and the Sustainable Design and Construction SPD require the provision of 5sqm of private amenity space per habitable room. Flats 1 and 2 on the ground floor have direct access to private gardens measuring 95sqm and 88.2sqm. Only Flat 4 on the first floor would have a private balcony area. While the remaining flats do not benefit from outdoor amenity space, it is considered that as the site lies on the outskirts of the town centre, with easy access to quality open space / outdoor areas within the surrounding area, the shortfall of amenity space can be accepted on balance.

Highways and parking provision

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.

Policy DM17 sets out the parking standards as follows for the residential use:

For 2 and 3 bedroom units 1.0 to 1.5 spaces per unit

The proposal consists of 5 x 2 bedroom units and would therefore require a parking provision between 5 and 7.5 spaces. The proposal provides 7no spaces within the proposed basement level with a car lift transferring vehicles from the ground to basement levels. A further disabled space is provided at ground level.

The Council's Traffic and Development service has reviewed the proposal and comments that the proposed parking provision is in accordance with the DM17 parking standards. 10 cycle parking space are also proposed within is in accordance with the requirements of the London Plan. The refuse bins are proposed to be located within 10m of the public highway which is acceptable.

Overall, the Traffic and Development service comment that the proposal is acceptable on highways grounds subject to a number of conditions.

A large number of issues raised within the letters of objection comment on proposed impacts on Beaumont Close. The proposal does not alter the existing arrangement / width of Beaumont Close and therefore the ability to travel along it will remain unchanged. Sufficient off-street parking for the proposed development has been provided within the site and therefore there will be no overspill parking into Beaumont Close causing

obstruction. It is not considered that the level of traffic movements generated by the proposed development will have an adverse impact on Beaumont Close or at the junction of the A1000 and The Bishops Avenue. The impact of the demolition and construction works are assessed via a planning condition through a 'Demolition and Construction and Logistics Management Plan' and assessed by the Council's Traffic and Development service.

Impact on trees

The site is surrounded by 4 large mature trees along the boundaries with High Road, The Bishops Avenue and Beaumont Close. Only 2 trees T3 and T4 are located within the application site with trees T1 and T2 located outside the site boundaries. These trees, with the exception of T2 on High Road, area designated within a group Tree Preservation Order (TPO).

The applicant has submitted an Impact Assessment and Method Statement report, Tree Constraints Plan and Tree Protection Plan and associated plans. These plans and documents have been reviewed by the Council's Arboricultural Officer.

The submitted tree reports state that previous service trenches through the RPA's of T1 and T3 would have severed all roots down to approximately 800mm. An exploratory investigation trench found that only very fine roots were present which would verify the impact of the service trenches. This is not disputed by the Council Officer. Following discussions between parties, the proposed entrance to the site has been moved away from the RPA of T1 and is now located within a zone where no roots are likely to be found. A larger area of hard standing is proposed over the extent of RPA of T3 to accommodate turning for the car lift. The Council's Arboricultural Officer identifies that there is scope to reduce the amount of hardstanding to allow for more space for soft landscaping and relieve pressure on the tree roots of T3. It is considered that this could be achieved and negotiated through a landscape condition.

Tree T2 is located on the pavement along High Road. It is noted that a root barrier is reported to have been installed in 2017 which resulted in root severance. At this time the impact of this action has already occurred and would not be worsened as a result of the proposal.

It is noted that tree T4 is in a poor condition and its removal is accepted subject to the re-provision of a suitable replacement.

Overall, the proposal will result in a greater scale of development compared to the existing building on the site but no objection is raised on balance by the Council's Arboricultural Officer. The relocation of the entrance has reduced the overall impact and it is considered that the introduction of further soft landscaping would improve the scheme further. This can be addressed through the use of a hard/soft landscaping condition.

Other material considerations

Policy 3.8 of the London Plan requires 90% of London's new build housing to be built to Building Regulation requirement 'M4(2).' Generally, this will require the provision of a lift. The proposal includes the provision of a lift which serves all levels of the proposed building. As such the proposal is considered to comply with policy 3.8 of the London Plan and policy DM02.

5.4 Response to Public Consultation

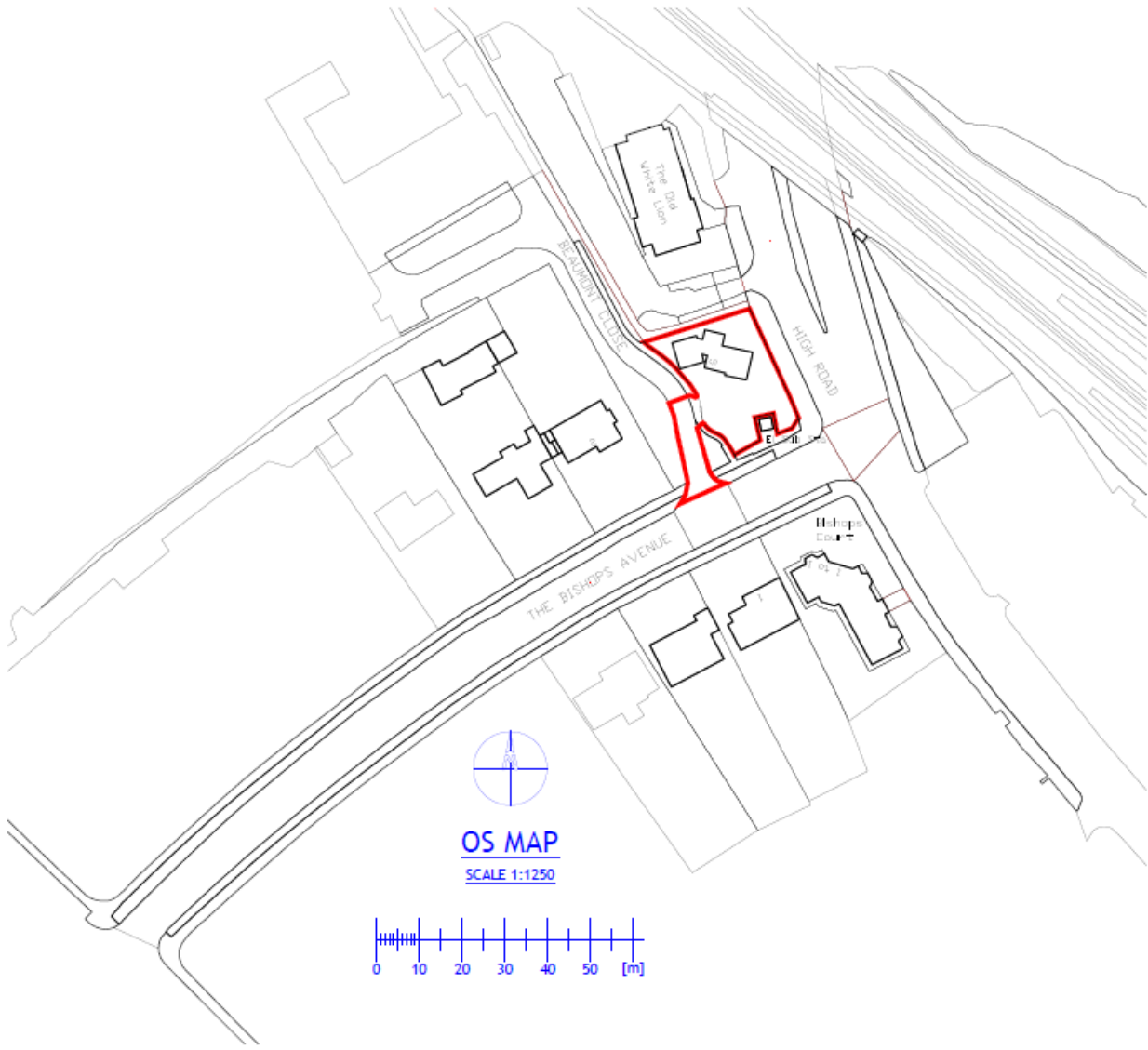
The majority of the concerns raised relate to issues relating to highways and the potential increased vehicle movements and associated construction works. These concerns have been addressed in the assessment section above.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that 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 application is not considered to have a harmful effect on the special character or appearance of this part of the The Bishops Avenue Conservation Area. The development is not considered to have an adverse impact on the amenities of neighbouring or future occupiers. The proposal is considered to be acceptable in relation to highways matters and would not have a harmful effect on the health and visual amenity of the TPO trees. This application is therefore recommended for approval.



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Location **80A Westbury Road London N12 7PD**

Reference: **18/1802/HSE**

Received: 21st March 2018

Accepted: 22nd March 2018

Ward: West Finchley

Expiry 17th May 2018

Applicant: Mr PAUL ALTERMAN

Proposal: Part demolition of existing garage and conversion into habitable room. Single storey rear extension with new terrace area following demolition of existing conservatory. New front porch. New front boundary fence. New hardstanding to front to provide off street parking. New render to front elevation. Changes to fenestration. Roof extension involving raising the roof height, 1no front and 1no rear dormer window, 1no front roof light and 2no rear roof light over ground floor extension. AMENDED: Reduction in width of front and rear dormer windows, alteration to roof form, changes to front parking layout and bin store

AGENDA ITEM 13

Recommendation: Approve subject to conditions

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 1254-EX01, 1254-EX-02, 1254-EX-03, 1254-EX04, 1254-EX05, 1254-EX-06, 1254-EX-07, 1254-EX-08, 1254-PL-01D, 1254-PL-02B, 1254-PL03C, 1254-PL-04C, 1254-PL-05C, 1254-PL06C, 1254-PL-07D, 1254-PL-08D

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

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

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

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

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

- 4 a) 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.

- 5 The materials to be used in the external surfaces of the roof and rear extension shall match those used in the existing building.

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

- 6 Before the building hereby permitted is first occupied the proposed windows in the first floor elevation facing north 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 2016).

- 7 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the refuse store 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.

Informative(s):

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

Officer's Assessment

1. Site Description

The site is currently occupied by a two storey detached residential property with off street front parking area. To the rear there is a garden of between 32 metres and 39 metres deep which extends to the rear boundary of property in Courthouse Road. The existing house is currently unoccupied. The application site is located on the eastern side of Westbury Road halfway between Argyle Road and Nethercourt Avenue. The property is not listed nor in a conservation area. The property was built in the early 1960s in a functional and cursory style as one of a pair probably replacing a pre-war property of larger footprint.

2. Site History

Reference: 17/6749/FUL

Address: 80A Westbury Road

Decision: Appeal dismissed

Decision Date: 25.05.2017

Description: Demolition of existing dwelling and erection of a two storey building with rooms in roofspace to provide 3no self-contained flats. Associated vehicular access, parking, cycle storage, refuse and recycling and landscaping and amenity space.

Reference: 18/1803/192

Address: 80A Westbury Road

Decision: Lawful

Decision Date: 18.04.2018

Description: Single storey rear extension with 2no. Roof lights, following demolition of existing conservatory. Replacement of existing garage door. New front porch. New hardstanding to front to provide off street parking. New front boundary fence

3. Proposal

Part demolition of existing garage and conversion into habitable room. Single storey rear extension with new terrace area following demolition of existing conservatory. New front porch. New front boundary fence. New hardstanding to front to provide off street parking. New render to front elevation. Changes to fenestration. Roof extension involving raising the roof height, 1no front and 1no rear dormer window, 1no front roof light and 2no rear roof light over ground floor extension.

The scheme was amended to reduce the width of the front and rear dormer windows, make alteration to the roof form, changes to front parking layout and bin store.

4. Public Consultation

Consultation letters were sent to six neighbouring properties. Seven responses have been received, comprising seven letters of objection.

The objections received can be summarised as follows:

- the design is ugly and not in keeping
- The dormer windows are not characteristic
- The mass is excessive and over development
- Loss of light and outlook
- Excessive front area parking
- An attempt to convert to flats at a later date
- The proposal will have a negative effect on the area.

Neighbours have been consulted about the amended plans and any additional comments received will be reported at the meeting.

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, DM17.

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

development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

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

Properties in Westbury Road are either detached or semi-detached houses with gaps in-between to emphasise the spacious quality and layout, and between Argyle Road and Westbury Grove they are entirely two storey with pitched roofs, and a mix of gable and eaves frontages. There is no strict building style and typology but the scale, height, building line and materials present a harmonious street.

The existing building at 80A is something of an anomaly in terms of its height, form and scale. There is no objection to the alterations in height to the roof. The further amendments have introduced a partial hip form which has precedent in several adjacent properties. Whilst the alteration gives the building greater presence, the retention of the original house gives limited room for changes.

Dormer windows to the front are not a common feature on Westbury Road but the adjacent houses at 78 and 80 which form a pair have front dormer windows. The dormer window to 80A has been reduced in width and since this property, with its immediate adjacent neighbour at 80B, is not characteristic of the inter war properties that define the street, it is not considered to be harmful. To the rear, dormer windows are more prevalent and once again, the dormer in this case has been reduced in width and is not considered harmful.

The proposed single storey rear extension with a hipped roof would replace an unattractive glass and brick conservatory. Although it would be almost full width, it would be of similar height and depth to the present structure and not out of character with the additional work to the building. Rear extensions exist at neighbouring properties and there is no coherent style.

The front area will be opened by removing the garage and clearing shrubbery. New permeable paving will be laid down and the area landscaped with a mix of grass and planters.

The existing rear garden is 38 metres deep taken from the rear wall of the existing conservatory. The proposed ground floor rear extension would only infill 42sqm of open terrace and would encroach no further into the garden. The terrace and retaining wall would remain in the same position with only the location of the access steps to the lawn altered.

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

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

The alterations to the roof form will increase the height of the property by approximately one metre. The footprint, and therefore the depth of the main body of the house will remain the same, so there will be no material loss of light or outlook to neighbouring property. Two new windows will be introduced at first floor level but this will be of opaque glazing.

The proposed rear extension will be no deeper than the present one and although almost full width with a hipped roof, there will be no material increase in loss of light or outlook to the adjacent properties.

Highway and parking issues

The application site lies in an area with a PTAL level of 2 and is 5-8 minutes' walk from West Finchley (Northern Line).

The proposal will provide two off street car parking spaces which accords with parking policy. An enclosed bin store for refuse will be located close to the front entrance. Cycle parking would be required and this can be secured by condition.

5.4 Response to Public Consultation

The proposed alterations to this single dwelling house at both roof level and to the rear will not lead to a material loss of amenity to adjacent occupiers.

Several amendments have been carried out to the proposal including a reduction in off street parking provision and a reduction in the size of the front and rear dormer windows.

Some objections concern the enlargement of the property and an application for a sub division at a later date. Each application is determined on its own merits and in regard to appropriate policies.

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 179 Regents Park Road London N3 3PB

Reference: 18/3019/FUL

Received: 17th May 2018

Accepted: 4th June 2018

Ward: Finchley Church End

Expiry 30th July 2018

Applicant: Eddie Cohen

Proposal: Conversion of existing dwelling into 3no self-contained flats including conversion of existing garage into habitable room, insertion of window to replace garage door

AGENDA ITEM 14

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;
Drwg. No. SV 01/A;
Drwg. No. SV 02/A;
Drwg. No. GA 21/A;
Drwg. No. GA 22/A;
Drwg. No. GA 23; and
Drwg. No. GA 25.

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

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

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

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

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

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

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

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

- 5 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.

- 6 Prior to occupation of the development, parking spaces and the access to the car parking spaces from public highway shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason

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

- 7 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.

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

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

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

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

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

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

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

- 11 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming

compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

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

Informative(s):

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

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

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

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

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

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties

other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 5 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 6 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance towards any damage to the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic related to the proposed development. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or

extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.

Officer's Assessment

1. Site Description

The application site is at 179 Regents Park Road, which is located in the Finchley and Golders Green Area. The application site comprises a two storey detached single family dwelling house. This part of Regents Park Road can be characterised as a mix of two storey detached and semi-detached houses, flatted development and purpose built apartment blocks.

The application site is not located within a conservation area, nor is it within close proximity of listed structures or historical monuments.

2. Relevant Site History

Reference: 18/0276/192

Address: 179 Regents Park Road, London, N3 3PB

Decision: Lawful

Decision Date: 23 February 2018

Description: Extension to roof including 1no wraparound dormer to both sides and rear elevations with 1no rooflight to each side elevation following reduction of existing rear projection roof.

Reference: 18/0278/HSE

Address: 179 Regents Park Road, London, N3 3PB

Decision: Approved subject to conditions

Decision Date: 19 March 2018

Description: Single storey rear extension following demolition of existing single storey rear extension.

3. Proposal

This application seeks full planning permission for the conversion of the existing dwelling into 3no self-contained flats including the conversion of the existing garage into a habitable room and insertion of a window to replace the garage door.

The proposed Flat 1 would be a 2 bed / 4 persons unit with a GIA of 101m² and private amenity space to the rear.

The proposed Flat 2 would be a 1 bed / 2 persons unit with a GIA of 50m² and communal outdoor amenity space to the rear shared with Flat 3.

The proposed Flat 3 would be 1 bed / 2 persons unit with a GIA of 59.5m² communal outdoor amenity space to the rear shared with Flat 2.

4. Public Consultation

Consultation letters were sent to 126 neighbouring properties.

10 responses have been received, comprising 10 letters of objections

Summary of Objections:

- Row of houses in which No.179 is situated is comprised of family residences;
- Impact on character of area
- Insufficient parking provision provided
- Impact on on-street parking provision
- Substantial increase in noise levels
- Surfeit of 2 bedroom flats, and an undersupply of family homes
- Intrusion of privacy to neighbouring properties
- Reduction in sunlight received to neighbouring properties
- Large bin store would be unsightly
- Loft windows approved under a previous application are much larger in situ than proposed on plans
- Will set precedent.

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.

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Draft National Planning Policy Framework

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft NPPF. Although this weight will increase as the Draft NPPF progresses to examination stage and beyond, applications should continue to be determined in accordance with the NPPF (2012).

The Mayor's London Plan 2016

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

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

The Mayor's Draft London Plan

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the

Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5.
- Relevant Development Management Policies: DM01, DM02, DM08, DM17.

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

Supplementary Planning Documents

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- 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 the principle of flats is acceptable in this location;
- The impact on the appearance and character of the area;
- Whether the proposal provides satisfactory living accommodation for future occupiers;
- The impact on the amenities of neighbouring occupiers;

- Impact on parking and highways; and
- Refuse and recycling storage.

5.3 Assessment of proposals

The principle of the provision of flats in this location

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

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

Within Chapter 2 of the Core Strategy, which is a material consideration in the determination of this application, the Council state the following: "The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flatted accommodation. Conversions in roads characterised by unconverted houses will not normally be considered appropriate."

Regents Park Road is predominantly residential in character, and has a numerous examples of single family dwellinghouses having been granted planning permission to be converted to self-contained flats. This includes Nos. 102, 158, 164, 166, 174, 180 and 188 Regents Park Road which have been granted permission to be converted into self-contained apartments. By virtue of the presence of the number of converted properties in the area, it is reasonable to consider the existing residential character not to be predominantly single family dwellinghouses.

Further, surrounding streets comprise a varied mix of single dwellings, flatted development and houses in multiple occupation. It is noted that opposite the site is an eight storey apartment block, "Mayflower Lodge", however this is a purpose built apartment block.

As such, Regents Park Road comprises a mix of dwelling types and further residential units by way of 3no self-contained flats would be acceptable in principle, subject to the proposal meeting character, design and amenity requirements.

The Impact on the appearance and character of the area

Development proposals involving the redevelopment of sites are required to reflect the character of their street and the scale and proportion of surrounding houses. This is supported by Policy DM01 of Council's Development Management Policies which states that development should understand local characteristics and 'preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

The proposal seeks to convert the existing dwelling into 3no self-contained flats. This element of the proposal seeks mainly internal changes to the existing dwellinghouse. Externally the existing garage door would be replaced for a window matching in size, design and material to that already existing on the dwellinghouse and as such there will be very limited physical impact on the character and appearance of the site, streetscene or locality.

Overall it is considered that the proposal would have an acceptable impact on the character and appearance of the area, streetscene and wider locality.

Whether the proposal provides a satisfactory living environment for future occupiers

3no self-contained residential units are proposed.

Room size and area:

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that it makes a positive contribution to the borough. The London Plan (2016) and Barnet's policies and Sustainable Design SPD (Oct 2016) set out the minimum GIA requirements for residential units as follows:

In terms of the size of the units; the internal floorspace of all the units meet or exceed the minimum space standards as set out in the London Plan (2016). This is highlighted in the below figures;

Flat 1: 2 bed / 4 person = 70m² required - 101m² proposed
Flat 2: 1 bed / 2 persons = 50m² required - 50m² proposed
Flat 3: 1 bed / 2 persons = 58m² required - 59.5m² proposed.

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

- Double bedroom: minimum area should be 11.5 m² and is at least 2.75m wide;

The proposed rooms are in general conformity with the room sizes guidance.

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. The floor to ceiling height for the proposed units are in compliance.

Light/outlook:

Barnet's Sustainable Design SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room. All habitable rooms within the proposed flats meet this requirement.

Each of the proposed self-contained flats are considered to benefit from a good level of outlook, all benefiting from a dual or triple aspect.

The proposed levels of daylight/sunlight and privacy proposed for each of the 3no flats is considered acceptable.

Stacking:

Policy DM04 of the Development Management Document (2012) part d. states that proposals will be refused if it leads to an unacceptable level of noise and disturbance unless the scheme can demonstrate any mitigation measures.

The proposed layout and stacking is considered sufficient to prevent any unnecessary noise or disturbance.

Amenity Space:

Table 2.3 of Barnet's Sustainable Design SPD (Oct 2016) states that flats should have 5m² of onsite amenity space per habitable room. Outdoor amenity space has been provided in the form of a private rear garden for Flat 1 and a communal garden to the rear of this for Flat 2 and Flat 3. In addition, there is access to public amenity space in the area, which is within walking distance of the application site.

Impact on the amenities of neighbouring occupiers

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

With regards to the conversion of the dwellinghouse into 3no. self-contained flats it is not considered that the comings and goings of an additional 2no. residential units would result in adverse impacts on the amenity of adjoining occupiers above and beyond that already present with the existing single family dwellinghouse.

The overall scale, position and height of the proposal remains unaltered from the existing building, and the only change to the external appearance would be to insert a window in place of the existing garage door to the front elevation of the dwelling. As a result, the proposal would have no significant impact on neighbouring occupiers in relation to outlook, privacy and overshadowing, and accords with policies DM01 and CS5 and the guidance contained within the Residential Design Guide SPD (2016).

As such, it is not found that the proposed would be detrimental to the amenities of the neighbouring occupiers.

Impact on parking and highways

Policy DM17 of the Barnet Local Plan outlines the adopted parking standards for residential developments. Concerns have been raised in relation to the impact that the proposed development would have on parking pressures in the locality.

Policy DM17 states that 2 bedroom dwellings should have 1.5 to 1 space per unit and that 1 bedroom dwellings should have 1 to less than 1 space per unit. The application site is in

an accessible location within easy walking distance to Finchley Central Station as well as several bus services along Regents Park Road, Hendon Lane and the North Circular. The application seeks to provide 2 parking spaces at the front of the property, as stated within the submitted Planning Statement.

The Council's Highways team have been consulted on the scheme and subject to conditions and informatives do not object to the proposal. According to the Highways Team, the site lies within a PTAL 3 zone, which means that there is good public transport accessibility to and from the site. There is no Controlled Parking in operation abutting the site.

According to requirements set out on Policy DM17 of the London Plan the car parking requirement for a proposal such as this is between 1-3.5 off-street car parking spaces.

Also taking into consideration the following;

- It is located within a town centre location
- It is within walking distance of local amenities
- The application is for a conversion
- The site lies within a PTAL 3 site, which is considered to be good public transport accessibility

The provision of 2 off-street car parking spaces is in accordance with Policy DM17 requirements and is therefore acceptable on Highways Grounds, subject to conditions.

In accordance with Policy 6.9 of the London Plan, the development should provide 1 cycle space per studio and 1 bedroom flats, and 2 spaces per bedroom for all other dwellings. 4 cycle spaces have been proposed which is compliant with the London Plan standards. It is not indicated on any submitted plans where the proposed cycle spaces would be provided, however it is considered there is sufficient space within the site to locate 4no. cycle spaces. Therefore a condition would be added to any permission granted required details of the cycle parking provision to be submitted and approved prior to occupation of the development.

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

Refuse and recycling provision

Supplementary Planning Document: Residential Design Guidance (2016) states that waste and recycling can be visually intrusive within the streetscene. It goes on to state that waste and recycling storage areas should be integrated within the building or provided on-site and screened within an enclosure or by landscaping avoiding area in front of dwellings.

The applicant has not provided details of bin storage for the proposed 3no. self-contained flats, other than in the submitted Planning Statement. As no details have been submitted to illustrate how this would be positioned within the site or screened from view, a condition would be attached to any permission granted requiring further details to be provided.

Accessibility and Sustainability

In respect of carbon dioxide emission reduction, the scheme should be designed to achieve a 6% CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is 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 would be attached in the event of an approval to ensure compliance with this Policy.

In terms of water consumption, a condition would be attached to any permission 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

'Loft windows approved under a previous application are much larger in situ than proposed on plans' - this matter can be raised with the Planning Enforcement Team and has no bearing on the assessment of this application.

'Will set precedent' - Each application must be assessed on its own merits.

It is considered that the remaining concerns raised in public consultation have largely been addressed within the report.

6. Equality and Diversity Issues

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

7. Conclusion

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 future occupiers or neighbouring occupiers. The proposed development is considered not to cause harm to highways safety. This application is therefore recommended for APPROVAL.



Location **5 Church Mount London N2 0RW**

Reference: **17/5814/HSE**

Received: 12th September 2017

Accepted: 19th September 2017

Ward: Garden Suburb

Expiry 14th November 2017

Applicant: Mr Robert Salem

Proposal: New basement level. Single storey rear extension. Part first floor, part two-storey side extension with pitched roof above including side dormer window. Alterations and extension to roof including heightening of roof facing no. 3 Church Mount, 1no. new dormer window to side elevation facing no. 7 Church Mount and 2no. new skylights in roof. Alterations to fenestration and internal alterations.

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:

Existing and Proposed Site Location Plan and Block Plan (201709/5CM/S1, 201709/5CM/S2), 201709/5CM/01, 201709/5CM/02, 201709/5CM/03, 201709/5CM/04, 201709/5CM/05, 201709/5CM/06, 201709/5CM/08, 201709/5CM/09, 201709/5CM/10, 201709/5CM/11, 201709/5CM/12, 201709/5CM/13, 201709/5CM/14, 201709/5CM/15, Sustainability Statement, Design and Access Statement and Basement Impact Assessment by LBH Wembley Engineering.

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 Notwithstanding the details shown on the hereby approved drawings, the rooflight(s) hereby approved shall be of a "conservation" type (with central, vertical glazing bar), set flush in the roof.

Reason: To safeguard the character and appearance of the Conservation Area in accordance with policy DM06 of the Development Management Policies DPD (adopted September 2012).

- 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 facing no. 7 Church Mount.

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

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

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

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

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

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

- 9 a) No development or site works shall take place on site until confirmation has been provided to the LPA from the principle designer, indicating that they have checked and approved all method statements and/or temporary works designs with respect to the basement construction, and are satisfied that these are in accordance with the Construction Design and Management Regulations.

b) The development shall thereafter be implemented and, where appropriate, monitored to ensure accordance with the measures confirmed by the principle designer in accordance with this condition.

Reason: In the interests of safety and the mitigation of flood risk, in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.3 and 5.12 of the London Plan (2015).

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 applicants are advised that the basement construction is undertaken by an experienced and competent contractor and overseen by a chartered engineer.

Officer's Assessment

1. Site Description

The application site is located on the northern corner of Church Mount within Area 13 of the Hampstead Garden Suburb Conservation Area.

The existing building on site is a two-storey detached dwellinghouse which holds no designation. The property was rebuilt in 2000 as shown below in the planning history.

The adopted Conservation Area Character Appraisal notes;

"Church Mount consists of detached houses individually designed in the late 1930s and the mid-1950s by a number of different architects. The 1950s developments reference few of the architectural features that characterise the Suburb, and are not of a quality to make a strong impact on their own. They sit uneasily with the earlier 1930s houses. This lack of cohesion in the road is further emphasised by the paved front gardens, the variety of materials used and the closeness of the houses. The environment cannot absorb the multiplicity of styles and the resulting effect at the higher end of the road is harsh and confused, substantially detracting from the character of the road overall. As the road curves and slopes down, there is more greenery and the houses, predominantly from the 30s, have some interesting features."

2. Site History

Reference: C00163L/00

Address: 5 Church Mount, London, N2 0RW

Decision: Approved subject to conditions

Decision Date: 12 October 2000

Description: Erection of new three storey detached house following demolition of existing.

Reference: C00163M/01

Address: 5 Church Mount, London, N2 0RW

Decision: Lawful

Decision Date: 20 March 2001

Description: Bathing pool in rear garden.

Reference: C00163N/01

Address: 5 Church Mount, London, N2 0RW

Decision: Approved

Decision Date: 20 March 2001

Description: Submission of details of bricks and roof tiles in part pursuant of Condition 2 of Planning Permission Ref. C00163L/00 for a detached house.

Reference: C00163P/01

Address: 5 Church Mount, London, N2 0RW

Decision: Refused

Decision Date: 1 June 2001

Description: Erection of new three storey detached house following demolition of existing (variation of Planning Permission Ref. C00163L/00 dated 10-10-2000) involving first floor balcony at rear and elevational changes.

Reference: C00163Q/01

Address: 5 Church Mount, London, N2 0RW

Decision: Approved

Decision Date: 1 May 2001

Description: Submission of details of joinery, brickwork, dormer windows and levels pursuant to Conditions 3 and 12 of planning permission Ref. C00163L/00 dated 10.10.2000 for a new detached house.

Reference: C00163R/02

Address: 5 Church Mount, London, N2 0RW

Decision: Approved

Decision Date: 25 March 2002

Description: Submission of details of soft landscaping pursuant to condition 7 of planning permission ref. no. C00163L/00 for a detached house.

3. Proposal

The applicant seeks approval for 'New basement level. Single storey rear extension. Part first floor, part two-storey side extension with pitched roof above including dormer window to side elevation. Heightening of roof facing no. 3 Church Mount. Extension to roof 1no. new dormer window to side elevation and 2no. new skylights. New window and internal alterations'.

Dimensions:

Single storey rear extension: 4.6m wide, 2m deep and 3.8m high to the top of the flat roof.

Side extension: 3.6m wide at both levels, 3.5m high and 2.8m deep at ground floor level and 5.1m to the first floor eaves and 8.9m high to the top of the pitched roof and would be set back from the main front elevation by 4.8m. It would be set away from the side boundary facing the neighbouring property at no. 7 Church Mount by 1.8m. The associated side dormer would measure 2.1m wide, 0.8m deep and 1.1m high. The dormer within the existing main element of the roof facing no. 7 would measure 1.4m wide, 0.8m deep and 1.1m high.

Extension to roof: The heightening of the side element of the pitched roof facing no. 3 Church Mount would be 0.5m.

4. Public Consultation

7no. consultation letters were sent to neighbouring properties.

17no. responses have been received.

10no. letters of support and 7no. letters of objections (1 objector wishes to speak at committee)

The supporting comments are as follows:

-Existing properties on Church Mount have been developed to a far greater extent with much smaller foot prints.

-Virtually every dormer window will overlook other properties so this is not a valid or rational argument

-Drive is substantial hence can park at least 3 cars

- Provided planning applications adhere and follow guidelines or recent precedents then neighbours should be tolerant and supportively.
- The existing house is set back from the street therefore the boundaries are not over powering the neighbours in fact from the street the extension asked will not even be visible.
- The neighbouring house on 7 Church Mount has the exact extension on the side therefore it shouldn't be a cause of concern as these two houses are neighbouring and will therefore have some resemblance. The current extension proposed will leave the boundaries further away from each other than other parts currently are.
- Will increase property values
- Allows for a more desirable home for current and future families
- Proposal preserves architecture of the past and is extending footprint whilst still in keeping with the surrounding neighbours

The objections are as follows:

- Property already appears to be connected to the neighbouring property. Further extension will worsen the situation
- Highways issue from additional living space
- HGS Trust had turned down identical scheme
- Overdevelopment
- Overbearing on neighbouring site(s)
- Affect streetscene
- Overlooking from side dormers

Other Consultees:

HGS CAAC: Refuse application for the following reasons:

- Volume too large
- Out of scale
- Impact on neighbour excessive
- Basement extension too large

Internal Consultee:

Barnets Principle Engineer (Building Control) comments:

The geology map indicates this area is overlain with London Clay confirmed by a site investigation. No ground water was encountered during the Site Investigation. London clay has a relatively low permeability and is almost a complete barrier to ground water flow. It is unlikely the basement construction will adversely affect the ground water levels. It is important the basement construction is undertaken by an experienced and competent contractor and overseen by a chartered engineer.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

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

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and

where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the alterations would be a visually obtrusive form of development which would detract from the character and appearance of the street scene and this part of the Hampstead Garden Suburb Conservation Area.
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to trees of special amenity value.

5.3 Assessment of proposals

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

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

The choice of individual design elements was carefully made, reflecting the architectural period of the particular building. Each property was designed as a complete composition and design elements, such as windows, were selected appropriate to the property. The Hampstead Garden Suburb, throughout, has continuity in design of doors and windows with strong linking features, giving the development an architectural form and harmony. It is considered that a disruption of this harmony would be clearly detrimental to the special

character and appearance of the Conservation Area. The front of the properties being considered of equal importance as the rear elevation, by the original architects, forms an integral part of the whole concept.

The applicants seek approval for: 'New basement level. Single storey rear extension. Part first floor, part two-storey side extension with pitched roof above including side dormer window. Alterations and extension to roof including heightening of roof facing no. 3 Church Mount, 1no. new dormer window to side elevation facing no. 7 Church Mount and 2no. new skylights in roof. Alterations to fenestration and internal alterations'.

The current application follows official pre-application advice. Amendments were requested and provided at the pre-application stage. Under the current scheme the proposal includes the following;

- Creation of basement development under footprint of dwelling and patio with lightwells
- Increase in height of side wing closest to 3 Church Mount
- Ground floor kitchen extension at rear corner closest to 3 Church Mount
- Two storey side extension above existing flat roof closest to 7 Church Mount
- Alterations to rear fenestration at ground and first floor
- Extension of existing hardstanding to front drive

Potential Impact on the Character of the Area

The proposals are not considered to detrimentally impact the character and appearance of this part of the Conservation Area. The alteration in relation to the increase in height of the side wing is considered acceptable and would ensure that the increase appears appropriate when compared to the neighbouring property.

The proposed increase in front hardstanding shows the removal of a corner of the existing lawn. Having looked at the character of hardstandings within the street, where many properties have paved over much of their front gardens leaving little vegetation save for a few planting beds, this proposal, which shows the retention of lawn is not considered to detrimentally impact upon the character and appearance of the street scene and is therefore considered to be acceptable.

The proposed basement would include lightwells at the rear of the site on either side of the existing bay where planting beds currently exist. They are considered to be acceptable and are thus supported under the current scheme and overall it is considered that the external manifestations of the basement development are acceptable.

At the rear of the site it is proposed to create two sets of double door openings in place of existing fenestration serving the dining room and kitchen. New decorative lintel details are proposed above all fenestration at ground floor apart from the new double doors serving the kitchen. It is also proposed to bring forward the existing corner at ground floor which will serve the breakfast room; this addition will sit behind the existing kitchen and the existing quoin detail on the corner of the property is to be retained. This part of the proposal is not considered to result in harm to the character and appearance of the host property, nor the significance of this part of the Conservation Area.

At first floor it is proposed to relocate the positioning of the windows above the central bay extension, with the central window becoming a full length door. Also, a first floor and roof extension above the existing flat roof element closest to 7 Church Mount is proposed. The extension would be set back from the front elevation so as not to impact upon the existing street scene, and set down from the main ridge to ensure its subordination to the main

dwelling house. The detailing and appearance of this addition would appear appropriate and acceptable.

Potential Impact on Amenity of neighbouring occupiers

Given the orientation of the host application property in relation to its neighbours, it is not considered that the proposals will give rise to any loss of amenity to neighbouring occupiers.

The proposed increase in height of the side wing by reason of its size, siting and design would ensure that this alteration appears appropriate in the street scene when compared to the height of the neighbouring property at 3 Church Mount. Furthermore, the proposed first floor and roof extension to the other corner closest to 7 Church Mount, as detailed above would be set back from the front elevation and set below the main ridge line to ensure it appears appropriate and subordinate in the street scene and results in no loss of amenity to neighbouring occupiers.

Furthermore, a Basement Impact Assessment was submitted by the applicants and assessed by Barnets Building Control Principle Engineer. His assessment advised that It is important that the basement construction is undertaken by an experienced and competent contractor and overseen by a chartered engineer. It was further confirmed that no ground water was encountered during the site investigation and that London clay has a relatively low permeability and is almost a complete barrier to ground water flow. Therefore, the proposed basement element is considered to have an acceptable impact on the neighbouring amenities in this regard.

Potential impact on trees of special amenity value.

The proposal is not considered to impact trees of amenity value at the proposal site. Furthermore, the submitted Design and Access Statement confirms that no trees are to be removed on the site. It is therefore considered that the proposal would have an acceptable impact on the development in accordance with policy DM01 of the Adopted Barnet Development Management Policies which advises that trees should be safeguarded within developments.

5.4 Response to Public Consultation

-Property already appears to be connected to the neighbouring property. Further extension will worsen the situation

Dealt with above

-Highways issue from additional living space

The domestic extensions as proposed on the existing dwellinghouse are not considered to have any further impact on the Highways. Furthermore, off street parking exists at the site which would further mitigate impact on the Highway.

-HGS Trust had turned down identical scheme

Changes are considered acceptable in relation to the planning guidance and policy.

-Overdevelopment

The proposal is not considered to constitute overdevelopment of the site and would not detract from the proposal property or immediate vicinity.

-Overbearing on neighbouring site(s)

Dealt with above.

-Affect streetscene

Dealt with above.

-Overlooking from side dormers

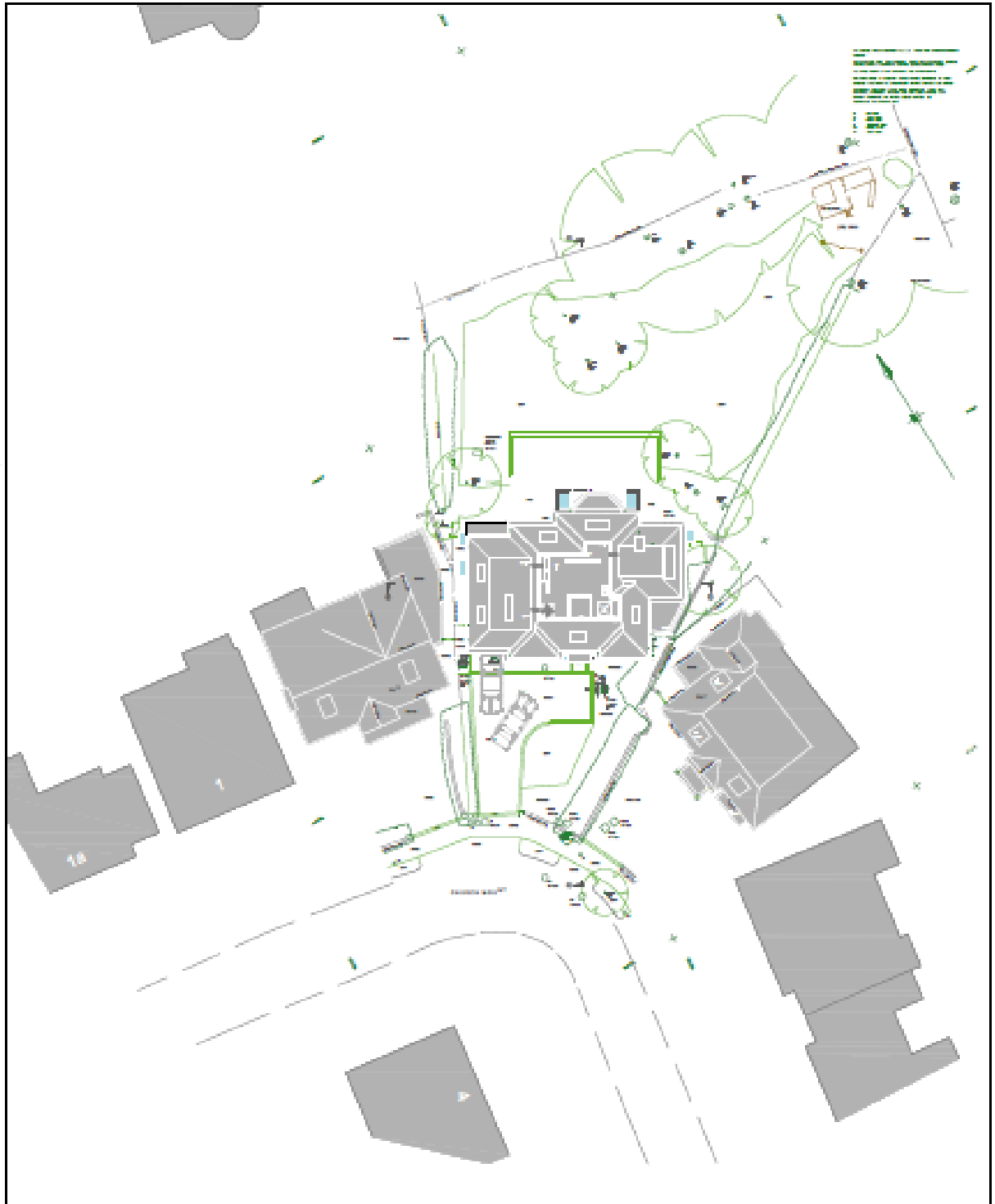
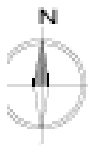
A condition would be added into the approval to obscure glaze the first floor side glazing in order to protect the privacy of the neighbouring amenities.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, the proposal would not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The proposed alterations are such that, as conditioned, it preserves the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area, area of special character and trees of amenity value.



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Location 31 Cadogan Gardens London N3 2HN

Reference: 18/3218/RCU

Received: 25th May 2018

Accepted: 30th May 2018

Ward: West Finchley

Expiry 25th July 2018

Applicant: Mr Y RAJKOTIA

Proposal: Boundary wall (Retrospective Application)

AGENDA ITEM 16

Recommendation: Approve subject to conditions

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

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

PL-01 Rev A; PL-02

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 external faces of the boundary wall hereby approved must be painted white within 3 months of the date of the decision notice.

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 in accordance with Policies DM01 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

Informative(s):

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

Officer's Assessment

1. Site Description

The application site is located on the corner of Cadogan Gardens and Strathmore Gardens in the West Finchley ward.

The application property is a two-storey, end-of-terrace, corner residential property with rooms in the roofspace. The application plot is wedge shaped with a frontage of 12m and rear measurement of 9m, the length of the plot is 32m.

The property is not listed and does not fall within a conservation area.

2. Site History

Reference: F/02684/10

Address: 31 Cadogan Gardens, London, N3 2HN

Decision: Approved subject to conditions

Decision Date: 6 September 2010

Description: Two storey side and part single, part two storey rear extension. Single storey detached building in the rear garden. Roof extension including rear dormer window to facilitate loft conversion.

Reference: C16801/06

Address: 31 Cadogan Gardens, London, N3 2HN

Decision: Approved subject to conditions

Decision Date: 31 October 2006

Description: Two-storey extension to side elevation and new entrance porch.

3. Proposal

This application seeks retrospective consent for the erection of new rendered boundary wall to replace wooden fence to the side and rear of the application site.

The new wall measures approximately 2.05m in height, replacing a previous wooden fence of 1.8m height.

4. Public Consultation

Consultation letters were sent to 15 neighbouring properties.
7 objections have been received

The views of the objectors can be summarised as follows;

- Ugly and offensive intrusion
- Contrary to design guidance on walls
- Out of character
- Appearance mars this part of Strathmore Gardens
- Too high
- Eyesore
- Granting permission would set a precedent

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

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

Design Guidance Note 9: Walls, Fences and Gates.

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

This application seeks retrospective consent for the construction of a 2.05m high boundary wall to the side and rear of the application property. The side façade of the new wall faces 32- 22 Strathmore Gardens and the rear element faces on to the flank of 9 Strathmore Gardens. An amended plan has been submitted which confirms that the wall will be painted white.

The adopted Residential Design guidance notes that;

"The permitted height of a means of enclosure is generally 1 metre adjacent to a highway and 2 metres elsewhere. This is the permitted development allowance. Generally, these heights will be appropriate in most suburban situations in Barnet except where the original character of an area is open plan, or where for example the return frontages of a corner property are enclosed up to a height of 2 metres. Boundary materials should reflect those prevailing in the area and the use of hedges and other green boundaries (preferably using native plant species) should not be obtrusive."

Design Guidance Note 9, which provides guidance on the erection of walls, fences and gates focuses on the design and appearance of front boundaries specifically, notes that boundaries should reinforce the prevailing character of the streetscape, especially where a continuous uniform treatment forms a distinctive character.

From conducting the site visit it was noted that there are a range of boundary treatments including low brick walls, wooden fences, green hedges and open frontages. These serve the front of the sites and there is limited visibility of side and rear boundary treatments given the terraced nature of the properties. However, it is noted that 39 Oakland Road has its side flank and side / rear boundary facing the front of the application property; this creates a white rendered frontage to the street, similar to that seen at the application property and therefore it can be considered that the precedent for such development has already been set and this application does not result in development which is out of character with the existing locality.

The Residential Design Guidance states that fronts of houses should generally remain open to view in order to increase natural surveillance to the street and therefore boundaries should be kept low. The existing front boundary of the application property is unchanged and remains low, which the new wall only starting to the side of the application property adjacent to the front door.

In regard to the impact of the new boundary wall on the amenities of neighbouring occupiers it is considered that the wall is sited a sufficient distance away from neighbours not to be harmful to their visual amenity. This will be further preserved once the wall is painted white to match the render on the main house.

The proposals as amended to show the rendered wall painted white are considered to be acceptable. Although timber fences are a more traditional method of enclosing rear

gardens, boundary walls it is considered in this case that the new wall have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is also not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

5.4 Response to Public Consultation

The concerns raised by objectors are noted.

The wall as built measures 2.05m; it is not considered that the additional height over the previous fence is harmful to the character and appearance of the locality. Furthermore, the property opposite the application site has a similar side / rear boundary treatment, exacerbated by the white rendered flank of the property siting hard on the pavement boundary and therefore the proposal is not considered to appear out of character or at odds with the established vernacular for side and rear boundary treatments in this particular area. It is not considered that the retained boundary treatment will give rise to detrimental harm to the amenities of neighbouring occupiers.

6. Equality and Diversity Issues

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

7. Conclusion

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



SITE PLAN (1:1250)

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Location Flats 3 And 4 146 Hendon Lane London N3 3PS

Reference: 18/1404/FUL

Received: 6th March 2018

Accepted: 12th March 2018

Ward: Finchley Church End

Expiry 7th May 2018

Applicant: Mr & Mrs R & S FARD

Proposal: Part single, part two storey side extension following partial demolition of the existing garage. Changes to fenestration

AGENDA ITEM 17

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 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.

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- 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).

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- 2 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. P.03Rev.F, 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.

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

Site Location Plan;

P.01: Existing PLans and Elevations; Proposed Plans and Elevations

P.03 Rev F

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).

- 4 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.

- 5 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).

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

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

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 Refuse collection points should be located within 10 metres of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 3 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

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

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

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

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

Officer's Assessment

1. Site Description

The application site contains a detached three storey property which has been subdivided into 4 self-contained flats at No.146 Hendon Lane. The property has benefited from planning permission for extensions to the rear of the property including a part single, part two storey side and rear extension, while a roof extension has also been implemented.

A detached garage is located on the south eastern section of the application site, along the shared boundary with No.144 Hendon Lane. The garage has maximum height of 3.77m dropping to 2.5m at the eaves. The width of the garage is 3.4m and has a depth of 9.4m (which stretch along the shared boundary with No.144 Hendon Lane. The remainder of the shared boundary with No.144 is defined by a 2m high wooden fence. The shared boundary with No.148 Hendon Lane is defined by a small wooden fence with shrubbery planted.

Hendon Lane is a predominantly residential area, comprising a variety of house style and purpose built blocks of flats. The property is not located within a conservation area, and is not listed.

2. Site History

Reference: 14/07360/FUL

Address: 146 Hendon Lane, London, N3 3PS

Decision: Withdrawn

Decision Date: 10 February 2015

Description: Two storey side extension following demolition of existing garage to create 1no self-contained unit at first floor (flat D) and resulting in the enlargement of flat B on the ground floor and the enlargement of flat E (formerly flat D) on the second floor, including provision of 1no. additional parking space and the crossover at front, bike/refuse store facility at side and associated landscaping at rear garden area

Reference: 18/3516/CON

Address: 146 Hendon Lane, London, N3 3PS

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Submission of details of condition 7 (Amenity space sub-division) 8 (Sound Test) 9 (Refuse/recycling) pursuant to planning permission F/03748/13 dated 08/11/13

Reference: F/03748/13

Address: 146 Hendon Lane, London, N3 3PS

Decision: Approved subject to conditions

Decision Date: 6 November 2013

Description: Conversion of single family dwelling into 4no. self contained flats including part single, part two storey side and rear extension involving conversion of garage into habitable space and 2no. Juliet balconies to first floor rear elevation. Roof extension involving front dormer window and 3no. rear dormer windows to facilitate a loft extension. Provision of vehicle parking, refuse facilities and bicycle storage.

Reference: F/00146/14

Address: 146 Hendon Lane, London, N3 3PS

Decision: Lawful

Decision Date: 14 February 2014

Description: Single storey outbuilding to rear garden, ancillary to the main house.

Reference: F/01911/13

Address: 146 Hendon Lane, London, N3 3PS

Decision: Withdrawn

Decision Date: 22 July 2013

Description: Conversion of property into 4 self-contained flats. Two-storey rear extension, two-storey front extension and first floor side extension. Extension to roof including front dormer windows, rear dormer window and new roof over proposed first floor extension to extension existing loft conversion. Conversion of garage into habitable room. Removal of garage building and erection of new bike and refuse storage. Alteration to window and doors.

Reference: F/00318/12

Address: 146 Hendon Lane, London, N3 3PS

Decision: Refused

Decision Date: 20 April 2012

Description: Erection of new residential dwelling house with basement and lower ground levels. Associate parking.

3. Proposal

This application seeks planning permission for the erection of a part single, part two storey side extension following partial demolition of the existing garage. Changes to fenestration at No.146 Hendon Lane, London.

The proposed two storey side element would have a maximum height of 8.7m dropping to 6.2m at the eaves. The proposed two storey side element would have a maximum depth of 12m, and a proposed width of 3.6m. The two storey element would be 1m from the shared boundary with No.144 Hendon Lane, and set back 1m from the front building line. On the side elevation two windows are proposed to the first and second floor which are to be obscured glazing to side glazing. The roof of this extension would incorporate two dormer windows, one to the front elevation and one to the rear elevation measuring a height of 1.23m and a width of 1.19m.

The single storey element would have a maximum height of 4m from the rear elevation, and 3.1m from the front elevation. It would be 4m wide with a depth of 13.9m. This element would be constructed flush against the shared boundary with No.144 Hendon Lane and 1.9m from the side elevation.

4. Public Consultation

Consultation letters were sent to 11 neighbouring properties, 6 objections were received which can be summarised as follows:

- out of context and unsympathetic to the existing street scene
- additional bulk is over bearing and intrusive on the neighbouring property's daylight and sunlight
- existing drawings are misrepresented and are not in line with the as built

- does not enhance the character of the area and will have a detrimental impact on the street scene and parking arrangements
- drive has space for 3 cars, not 4 as stated
- parking space for neighbours and visitors will be lost
- The Traffic/Parking situation on Hendon Lane has become increasing difficult.
- addition of two flats will definitely generate pressure on parking in the area
- creating traffic disruption and increasing the chance of accidents on an arterial

Internal - Highways - Note that the existing provision of 4 off-street car parking spaces remains acceptable on highways grounds. They further state that the application is not expected to have a significant detrimental impact the surrounding public highway

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.

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft National Planning Policy Framework. Although this weight will increase as the Draft National Planning Policy Framework progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2012 National Planning Policy Framework.

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.

The Mayor's Draft London Plan

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

Barnet's Local Plan (2012)

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

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

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

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

Supplementary Planning Documents

Residential Design Guidance SPD (2016)

- Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority. 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 developments 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 it states that developments should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted 2016)

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

5.2 Main issues for consideration

Officers consider that the main planning considerations are as follows:

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

5.3 Assessment of proposals

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

Paragraph 63 of the NPPF states that 'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area'. Paragraph 131 states that 'in determining applications, local planning authorities should take account of the desirability of new development making positive contribution to local character and distinctiveness.

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

Policy DM01 expects that development proposals should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Furthermore, the Council's Residential Design Guidance SPD outlines that extensions should not be unduly overbearing or prominent and should normally be subordinate to the existing dwelling.

Paragraph 14.13 of the Council's Residential Design Guidance SPD advocates that extensions should fit into the street, being consistent with the architectural character, neighbouring properties, and special nature of the area.

Paragraph 14.15 advocates that side extensions should not be more than half the width of the original house, and should be set back from the front building line by at least a metre. The proposed extension has been set back from the front building line by at least a metre, and is not more than half the width of the original house, therefore in this regard it is policy compliant.

Paragraph 14.17 emphasises that there should be a sufficient gap between proposed first floor side extensions and, neighbouring properties and site boundaries. There should be at least a 2 metre gap between the flank walls of properties at first floor level, and there should be at least a 1 metre gap between the extension at first floor level, and the site boundary line.

Ground Floor Side Extension

The Council's design guidance suggests that the side extensions should not exceed half the width of the original property. In this instance, the single storey side element of the extension would have a width which is half of the main dwelling, while it is noted that the proposed side extension would be level with the existing front building line, officers are of the opinion that due to the size and scale of the development, it is considered to be subordinate addition to the main dwelling. The applicant has annotated on the application form that the proposed materials would match the existing; therefore, accordingly it is considered that it would complement the existing features of the main dwelling.

First Floor Side Extension

The Council's guidance states that first floor rear extension should be set back by 1 metre from the front elevation and should be set down by a minimum of 0.5 metres from the main ridge height.

The proposed front elevation is originally staggered as the property benefits from a 2 storey front projection. The proposal will therefore be set back by approximately 1 metre

from the front building line, and has been set in approximately 1m from the shared boundary with No.144 Hendon Lane and approximately 2.9m from the side elevation of No.144 Hendon Lane.

Whilst the proposed first floor extension would have ridge level which matches that of the main dwelling as opposed to being set down as recommended in guidance it is nevertheless considered that due to the size and scale of the proposal, it would relate sympathetically to the main dwelling, thus providing a subordinate addition complementing the character and appearance of the existing property and the mixed character of the area.

Roof Dormers

Paragraph 14.33 emphasises that there Design should reflect style and proportion of windows on the existing house. Dormer roof extensions should not overlap or wrap around the hips or rise above the ridge and should normally be subordinate features on the roof and should not occupy more than half the width or half the depth of the roof slope

The proposal includes two dormer windows, one to the front elevation and one to the rear elevation measuring a height of 1.23m and a width of 1.19m. The roof dormers have been set below the ridge line of the main dwelling, and due to their size, scale and positioning are considered to be subordinate additions, complementing the design traits and characteristics of the dwelling. Whilst front dormer windows are not always considered to be an acceptable addition to a property, the existing roof slope already benefits from one and the addition of one more to the new roof slope adjacent to 144 Hendon Lane creates a balanced appearance to the host dwelling house in keeping with the existing character of the dwelling house.

Alterations to the fenestration

The alterations to fenestration which include window openings on the front and rear elevation at ground and first floor level, and the side elevation facing No.144 Hendon Lane, with four windows proposed to the property would be sympathetic in their change and as such, would not be considered to have a detrimental impact on the appearance or character of the property or surrounding area.

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

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

It is not felt that a detrimental impact would result on the neighbouring properties of No. 144 and No.148 Hendon Lane as a result of the Part single, part two storey side extension following partial demolition of the existing garage and changes to fenestration.

Single storey side extension

The proposed single storey side extension would be a subordinate addition to the front of the property. This element of the proposal would be constructed flush with the shared boundary of No.144 Hendon Way. Officer note that the existing garage has been position flushed with this boundary, stretching with a depth of 9.4m. The proposal seeks to

increase the depth to 14m, an increase of 4.6m along the shared boundary. The proposed single storey side extension would have a height similar to that of the existing garage, therefore, taking the above into account along with the existing boundary treatment (2m high wooden fence) officers are of the opinion that this element of the proposal would not be visually obtrusive or create a sense of enclosure. No overshadowing or loss of sunlight would occur, while the flat roof element of the side extension will be condition to ensure it is not used as a balcony.

As the single storey side extension would not extend beyond the rear building line, officers are content that it would not be detrimental to the amenity of No.148 Hendon Lane.

First floor side extension

With regards to this element of the proposal, whilst it is acknowledged that the two storey side extension would be clearly visible from No.144 Hendon Lane, it is not considered that it would overbearing or obtrusive to such an extent as to warrant refusal of the application. Due to the positioning of the extension, and the location of the application site, it is considered that overshadowing, loss of sunlight would not be such as to warrant refusal. While four windows have been proposed to the side elevation facing No.144 Hendon Lane, the applicant has noted on the plans submitted that they will be obscured glazed and a condition will be attached to ensure this. Therefore, no overlooking or loss of privacy is expected to occur.

As the first floor side extension would not extend beyond the rear building line, it would not be detrimental to the amenity of No.148 Hendon Lane.

Roof Dormers

Regarding the proposed roof dormers, it is considered that due to the size, scale and positioning, they would not appear as a visually obtrusive element, nor a prominent element to either No.144 or No.148 Hendon Lane. While a degree of overlooking would occur from the rear dormer upon the private amenity space of No.144 Hendon Way, such relationships are commonplace in residential areas and it would not be detrimental to the amenity of No.144 as to warrant refusal of the application.

Alterations to the fenestration

The alterations to fenestration would not be found to have a detrimental impact on the amenity of neighbouring occupiers.

5.4 Third Party Representations

Mainly dealt with in the body of the report.

With regard to the concern in respect of the quality of the plans, they are considered to be acceptable.

6. Equality and Diversity Issues

The existing development 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



ORDNANCE SURVEY MAP
146 Hendon Lane, London, 3PS
scale 1:1250 (A4)

Location 1069 Finchley Road London NW11 0PU

Reference: 18/1947/S73

Received: 27th March 2018

Accepted: 27th March 2018

Ward: Garden Suburb

Expiry 22nd May 2018

Applicant: Ms MOIRA McHARRIE

Proposal:

Variation of condition 1 (Plan Numbers) pursuant to planning permission 16/7565/FUL dated 04/05/2017 for 'Partial demolition of the existing building, erection of new rear extensions and refurbishment incorporating change of use to comprise office space at ground floor level and 6no. self-contained flats on the upper levels . Associated 10no. cycle parking spaces, refuse/recycling provision and amenity space. Relocation of entrance, new fenestration at front and front rooflights.'

Amendments include changes to third floor layout to both flats to add an additional bedroom per flat (from 1no bed flats to 2no bed flats), 2no additional cycle parking spaces, additional of balcony to third floor level, increase to size of flat rooflights and front rooflights and replacement of brise soleil on the rear elevation with solid brickwork

Recommendation: Approve subject to s106

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

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. A contribution of £2,000 (index linked) to cover the costs of making an amendment the existing Traffic Management Order to prevent the future occupiers of the development from being able to obtain parking permits for the Controlled Parking Zone.

RECOMMENDATION II:

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

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

Drawing no. 000 Rev A; ; Drawing no. 213 Rev E; Drawing no. 214 Rev E; Drawing no. 215 Rev E; Drawing no. 216 Rev F; Drawing no. 217 Rev F; Drawing no. 231 Rev D; Drawing no. 233 Rev F; Drawing no. 234 Rev E; Drawing no. 235 Rev F; Drawing no. 236 Rev C;

Original Plans:

Planning Statement Ref CA/2955 By Apcar Smith Planning; Planning Noise Assessment Facade Sound Insulation by Environmental Equipment Corporation Ltd Ref SDV/EC14746-004; Technical memorandum ref EC14746-005 Rev 1 by Environmental Equipment Corporation Ltd; Sustainability Summary dated 15th June 2016 by Darren Evans; Transport Statement Ref 9214/KS/002/02 by Sanderson Associates; Drawing no. 011 Rev A; Drawing no. 012 Rev A; Drawing no. 013 Rev A; Drawing no. 014 Rev A; Drawing no. 015 Rev A; Drawing no. 230 Rev A; Drawing no. 232 Rev A; Drawing no. 237 Rev 0; Drawing no. 238 Rev 0; Document titled "Optional requirements M4(2): Category 2- Accessible and adaptable dwellings Details of optional requirements that cannot be met given that the proposals involve the conversion of an existing building" reference ASP/2955/M4(2).

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 planning approval of application 16/7565/FUL

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

3 The development shall be implemented in accordance with the details as approved under application 17/3014/CON, detailing the retention of front façade and mitigation measures to prevent damage to the front facade. The front facade shall be retained at all times.

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

4 The development shall thereafter be implemented, including the proposed brise soleil and solid spandrel panels, in accordance with the materials as approved under application reference 17/5588/CON.

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

5 The development shall thereafter be implemented in accordance with the levels details as approved under application 17/3014/CON, and retained as such thereafter.

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

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 building hereby permitted is first occupied the proposed windows in the rear elevation facing Temple Gardens shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

8 The green roof shall be implemented in accordance with the details approved under reference 17/4772/CON prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

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

9 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).

10 The roof of the building hereby permitted including above second floor, other than in the area indicated as communal roof on Drawing no. 217 Rev F; 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).

11 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 October 2016).

12 The development shall be carried out in accordance with the desktop study (Preliminary Risk Assessment) approved under reference 17/2934/CON which includes the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model indicated no risk of harm; Should any evidence of contamination be identified in the soil, then further advice should be sought from an appropriately qualified consultant.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 5.21 of the London Plan 2015.

13 a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing.

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

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

14 The development must be carried out in accordance with the noise assessment details approved under reference 17/3408/CON. This report assessed the likely impacts of noise on the development and measures to be implemented to address its findings. 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 October 2016) and 7.15 of the London Plan 2016.

15 The approved air pollution mitigation scheme as detailed in application reference 17/3408/CON, 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 2016.

16 The noise mitigation measures, including acoustic ventilators at the front and rear façades to protect against externally generated traffic noise and noise from the adjacent residential development at 1069 Finchley Road, detailed under application reference 17/3408/CON 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 the amenities of occupiers are not prejudiced by noise from traffic and adjacent residential use in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the

Sustainable Design and Construction SPD (October 2016) and 7.15 of the London Plan 2016.

17 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 (October 2016).

18 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 (October 2016).

19 The development shall be implemented in full accordance with the details provided under application 17/2924/CON which relates to a Demolition and Construction Management and Logistics Plan.

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

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

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

21 Before the development hereby permitted is first occupied, the cycle parking spaces and cycle storage facilities as indicated on the hereby approved Drawing no. 213 Rev E shall be implemented 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.

22 Prior to the first occupation of the development hereby approved, an energy statement shall be submitted to and approved in writing by the Local Planning Authority detailing the carbon dioxide emission reduction measures which can be achieved in accordance with the GLA's "Guidance on preparing energy assessments" document (March 2016) and the Council's Sustainable Design and Construction SPD (2016). The energy

strategy shall include separate assessments for the new and refurbished elements of the hereby approved development.

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

23 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), in all regards other than the sections detailed in the hereby approved document reference ASP/2955/M4(2)". 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.

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

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

RECOMMENDATION III:

1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 20th September 2018 unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason:

The development does not include a formal undertaking to ensure that the future occupiers of the development are prevented from being able to obtain parking permits for the Controlled Parking Zone and in the absence of sufficient on-site parking to serve the residential units. The proposal would result in an increased demand for on street parking which would lead to increased kerbside parking, resulting in a detrimental impact on highway and pedestrian safety contrary to policy DM17 of the Adopted Barnet Development Management Policies 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 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 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 Barnet CIL.

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance

applications, problems accessing key council services and most importantly delays in an emergency situation.

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

- 4 Any highway approval as part of the planning process for the reinstatement or alteration to the existing access/crossovers or provision of a new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense including any relocation of street furniture, lighting columns or amendments to parking bays affected by the proposed works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 5 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 6 The applicant is advised that for construction works adjacent or affecting the public highways, the council's First Contact should be contacted on 0208 359 2000 for any necessary Highways Licenses or any highway approvals deemed necessary.
- 7 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 8 The applicant is advised that Finchley Road is part of a Strategic Road Network (SRN). Transport for London (TfL) is the Traffic Authority for this road. If the proposed development is likely to cause any disruption to traffic, then the Traffic Management Act (2004) requires the Council to notify Transport for London (TfL) for implementation of construction works. The developer is expected to work with the Council to mitigate any adverse impact on public highway and would require TfL's approval before works can commence.
- 9 The applicant is advised that Finchley Road is Traffic Sensitive Road; deliveries during the construction period should not take place between Monday to Friday from 8.00am-9.30am and 4.30pm-6.30pm and from 9.00am to 4.30pm on Saturday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.

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

Officer's Assessment

1. Site Description

The site is a terraced building on the west side of Finchley Road, previously accommodating the Police Station, within the Garden Suburb Ward. The building is two storeys with additional roof accommodation within a large mansard roof at two more storeys. The building features larger parapet walls to either side. To the rear, the building steps down to three storeys with basement. There was also a detached two storey block to the rear close to dwellings on Temple Gardens.

The host site benefits from planning permission under reference number 16/7565/FUL for the following development:

"Partial demolition of the existing building, erection of new rear extensions and refurbishment incorporating change of use to comprise office space at ground floor level and 6no. self-contained flats on the upper levels".

At the rear of the site, consent has been granted for a five storey building to facilitate 9no self-contained flats under reference 15/07709/FUL. This scheme also benefits from variations to the original approval including the most recent approval under reference 17/2723/S73. These works have started on site and conditions pursuant to the development have been discharged. In addition, an application at this site has also been submitted and is subject to a separate assessment (reference 18/2056/S73).

The building is not listed nor does it lie within a conservation area, however the building does make a positive contribution to this section of the Town Centre and is adjacent to the Hampstead Garden Suburb Conservation Area.

2. Site History

Relevant Planning History at the host site:

Reference: 17/7490/FUL

Address: 1069 Finchley Road London NW11 0PU

Decision: Refused

Decision Date: 09 March 2018

Description: Partial demolition of the existing building, erection of new rear extensions and refurbishment incorporating change of use to comprise office space at ground floor level and 6no. self-contained flats on the upper levels . Associated 12no. cycle parking spaces, refuse/recycling provision and amenity space. Relocation of entrance, new fenestration at front and front rooflights

Reason for refusal:

The proposals in the absence of a legal agreement to amend the traffic order, preventing residents from obtaining parking permits, would result in increased parking pressures that will be detrimental to the free flow of traffic and highway and pedestrian safety. The proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and policy CS9 of the Adopted Barnet Core Strategy 2012.

Reference: 16/7565/FUL

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved following legal agreement

Decision Date: 04 May 2017

Description: Partial demolition of the existing building, erection of new rear extensions and refurbishment incorporating change of use to comprise office space at ground floor level and 6no. self-contained flats on the upper levels . Associated 10no. cycle parking spaces, refuse/recycling provision and amenity space. Relocation of entrance, new fenestration at front and front rooflights

Reference: 17/2924/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 02 August 2017

Description: Submission of details of condition 19 (Construction Management and Logistics Plan) pursuant to planning permission 16/7565/FUL dated 04/05/17

Reference: 17/2934/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 30 May 2017

Description: Submission of details of condition 12 (Contaminated land- Desktop Study) pursuant to planning permission 16/7565/FUL dated 04/05/17

Reference: 17/3014/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 01 June 2017

Description: Submission of details of condition 3 (Retention of Front Facade) and condition 5 (Levels) pursuant to planning permission 16/7565/FUL dated 04/05/17

Reference: 17/3408/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 5 July 017

Description: Submission of details of condition 14, (Impact of Noise), 15, (Air Quality for Small Developments) and 16, (Noise Report for Site Plant) pursuant to planning permission 16/7565/FUL dated 04/05/2017

Reference: 17/4772/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 29 August 2017

Description: Submission of details of condition 8 (Green Roof) pursuant to planning permission 16/7565/FUL dated 04/05/17

Reference: 17/5588/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 11 October 2017

Description: Submission of details of condition 4 (Materials) pursuant to planning permission 16/7565/FUL dated 04/05/17

Relevant Planning History at adjacent site to the rear:

Reference: 15/01377/FUL

Address: Site At Former Golders Green Police Station 1069, Finchley Road, London, NW11 0PU

Decision: Refused

Decision Date: 30 June 2015

Description: Erection of a new building up to five storey including 11no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9no. self-contained flats, following demolition of existing buildings

Reason for refusal:

1. The proposed vehicular access via Temple Gardens would result in harmful impact to neighbouring residential amenity as a result of additional general activity including vehicular movements and comings and goings. This would be contrary to policy DM01 of the Adopted Barnet Development Management Policies

Appeal Reference: APP/N5090/W/15/3136451

Appeal Decision: Appeal allowed

Reference: 15/04900/FUL

Address: Site At Former Golders Green Police Station 1069, Finchley Road, London, NW11 0PU

Decision: Refused

Decision Date: 23 December 2015

Description: Demolition of existing buildings and erection of new five storey building including 11no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9no. self-contained flats

Reason for refusal:

1. The proposed development by reason of its pedestrian access and relationship to Temple Gardens would result in a harmful impact on neighbouring residential amenity due to associated noise, disturbance and general activity as perceived by neighbouring residential properties on Temple Gardens, being contrary to policy DM01 of the Adopted Barnet Development Management Policies (2012)

Reference: 15/07709/FUL

Address: Site At Former Golders Green Police Station 1069, Finchley Road, London, NW11 0PU

Decision: Approved subject to conditions

Decision Date: 28 January 2016

Description: Demolition of existing buildings and erection of new five storey building to facilitate 9 no. self-contained flats including 11 no. parking spaces, refuse and cycle storage with solar panels to roof

Reference: 17/2723/S73

Address: Land To The Rear Of 1069 Finchley Road London NW11 0PU

Decision: Approved subject to conditions

Decision Date: 18 July 2017

Description: Variation of condition 2 (Plans) pursuant to planning permission 15/01377/FUL allowed by appeal (ref. APP/N5090/W/15/3136451) for "Erection of a new building up to five storey including 11no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9no. self-contained flats, following demolition of existing buildings".

Reference: 17/6552/S73

Address: 1069 Finchley Road London NW11 0PU

Decision: Withdrawn

Decision Date: 11 December 2017

Description: Variation of condition 2 (Approved Plans) and 13 (Demolition and Construction Management and Logistics Plan) and Removal of condition 8 (Obscure Glazing of Unit 6) of planning permission 17/2723/S73 dated 18/07/2017 which varied planning permission 15/01377/FUL for "Erection of a new building up to five storey including 11no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9no. self-contained flats, following demolition of existing buildings". Variation to include addition of a roof terrace and associated changes to fenestration

3. Proposal

The applicant seeks planning consent for the variation to condition 1 (Approved Plans) pursuant to planning permission 16/7565/FUL dated 04/05/2017 for:

'Partial demolition of the existing building, erection of new rear extensions and refurbishment incorporating change of use to comprise office space at ground floor level and 6no. self-contained flats on the upper levels. Associated 10no. cycle parking spaces, refuse/recycling provision and amenity space. Relocation of entrance, new fenestration at front and front rooflights.'

The amendments include changes to third floor layout to both flats to add an additional bedroom per flat (from 1no bed flats to 2no bed flats). The proposed flats would be comprised of:

- 4 x 2 bed (4p) flats
- 2 x 2 bed (3p) flats.

This would result in an increase of 2 additional residents on the site.

The proposed number of cycle spaces would be increased by 2 (12no in total). The amendments also seek the addition of balcony to third floor level, increase to size of flat rooflights and front rooflights by 100mm and replacement of brise soleil on the rear elevation with solid brickwork.

It must be noted that a similar application which also sought to remove the requirements to amend the Traffic Order preventing occupiers from purchasing permits (17/7490/FUL) was refused by the Area Planning Committee. There was no objection to the physical changes to the building when compared to the extant consent or the increase in the number of occupiers, but the application was refused for failure to provide a legal agreement only.

4. Public Consultation

Consultation letters were sent to 164 neighbouring properties.

8 responses have been received, comprising 8 letters of objection.

The objections received can be summarised as follows:

- Development already exceeds the perimeter of the previous/ loss of privacy;
- Object to balconies at rear overlooking neighbours;
- Balcony will result in noise and disturbance;

- Overcrowding/ increase in density;
- Development is owned at front and rear by same person and requires affordable housing;
- Windows to the flats are too close and overlook Temple Gardens;
- Associated parking impacts/ increased parking stress;
- Development higher than original;
- Removing the opaque glass is a bad idea;
- Reduction in amenity space for future occupiers;
- Developer has not provided a party wall agreement/ damage during construction;
- Compromising structure of neighbouring properties.

A Site notice was erected on the 12th April 2018.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was published on 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, CS9, CS10, CS11, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM13, DM14, DM17

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the 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 amenities for future occupiers
- Whether the development would increase parking pressures and congestion (Highways)
- Access and Sustainability measures.

5.3 Assessment of proposals

Context

A material consideration in the determination of the application is the extant application on the site, approved under reference 16/7565/FUL. As mentioned, the proposal is similar to the approval in terms of the use, bulk and massing. The changes from the previous extant permission are as follows:

- Change in the size of the flats from the previously approved 2 x 1 bed for 2 occupiers to 2 x 2 bed for 3 occupiers. This would result in an increase of 2 additional residents on the site;
- Alteration to the rear balconies to the north including introduction of balcony at rear of third floor;
- Increase in the cycle parking provision to account for the increase number of occupiers (from 10 to 12 cycles);
- Increase in the height of the front rooflights by 100mm;
- Enlarging the flat roof lights;
- Replacement of previous brise soleil on rear elevation with solid brickwork.

It must also be noted that these changes were submitted as part of a full planning application which was submitted to the planning authority under reference 17/7490/FUL. This proposal also included a removal of the requirement to enter into a section 106 agreement to amend the Traffic Order and prevent future occupiers from purchasing parking permits. The reason for refusal solely related to the absence of a legal agreement and was detailed as following:

"The proposals, in the absence of a legal agreement to amend the traffic order, preventing residents from obtaining parking permits, would result in increased parking pressures that will be detrimental to the free flow of traffic and highway and pedestrian safety. The proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and policy CS9 of the Adopted Barnet Core Strategy 2012."

Considering both applications, in particularly the extant permission, the assessment below will therefore assess the differences between the approved and proposed schemes.

Impact on the character of the area

The principle of development has already been established by the approved scheme.

With regards the density mix, the site is located within a Town Centre location. The change from two 1 bed units, to two 2bed units is considered to be acceptable and would accord with the Council's Development Management Plan. Officers do not raise any objection to the increase in density given that this would result in two additional occupiers on the site and as mentioned the site is located within the Town Centre where higher densities are encouraged.

Although not benefiting from a statutory listing, the LPA is of the view that the existing building should be considered as a Non-Designated Heritage Asset, and the Council would seek to retain the front building, particularly the street frontage. Therefore paragraph 135 of the NPPF would apply. The applicant proposes to retain the front elevation as part of the redevelopment.

The proposed rooflights at the front would retain a level of hierarchy to the building. These rooflights would be increased by 100mm compared to those previously approved. Overall however, due to the pitch and form of the roof, the increase in the size of the rooflights would not be visible from the streetscene and it is not considered that this warrants grounds to refuse the application. The rooflights would still be considered to read as subordinate additions on the main roofslope and would be centrally located, retaining a level of hierarchy in the fenestration of the building.

Details of the modern components of the building and materials at the rear, would be provided as part of a condition, including the "solid spandrel panel" and the "brise soleil". The changes to the current application include reconfiguration for and replacement of brise soleil with solid brickwork at the rear. The design approach however is similar to the approved scheme and officers raise no objection in this regard. The alteration to the balconies at the rear and addition of a balcony at third floor are considered to be acceptable and would reflect the general form and design approach of the building at the rear.

The increase in the size of the flat rooflights would not be visible from the streetscene and would not be harmful to the character of the building.

The changes including the minor increase in the size of the flats to add two additional occupiers are considered to be minor amendments.

Overall, the proposal is considered to have an acceptable impact on the streetscene and the general character of the area. It must be noted that no objection was raised on character grounds to the latest application.

Impact on the amenities of neighbours

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

Any development, particularly in a constrained site should ensure that the amenities of neighbouring occupiers are respected.

The proposal is not considered to cause harm to the amenities of occupiers of Temple Gardens at the rear, given the distance. Furthermore, there is an approved development comprising of residential units between Temple Gardens and the host site. As mentioned above, the approval to the rear of the site is a material consideration in the determination of any planning application on the site (planning reference 15/07709/FUL). The plans for the development at the host site indicate the layout of the approved scheme. The limited windows of the new approval at the rear of the site serve non-habitable rooms. The windows on the host site facing the rear of this development have been designed to prevent direct mutual overlooking between habitable rooms. The plans indicate obscure glazing up to 1.8m in height from finished floor level, with clear glazing above this height.

Similarly, the windows at the rear/ side and balconies to the proposed development have been designed to be angled and involve elements such as solid screening and obscured glazing to prevent overlooking. The impact of the development to the nearest neighbouring occupiers at the rear of 1069 Finchley Road has been previously assessed.

The changes relating to the replacement of brise soleil on the rear elevation with solid brickwork is not considered to have an overbearing impact or result in loss of light to the nearest neighbours at the development to the rear (currently known as rear of 1069 Finchley Road). The proposed alterations to the rear balconies and inclusion of an identical one at third floor is not considered to cause harmful overlooking into neighbouring occupiers.

There would be no impact to amenity by the proposed increase of the flat rooflights or the front rooflights.

Officers are therefore satisfied that the visual amenities of neighbouring occupiers would not be compromised in this regard and consideration has been given to the existing structure.

In light of the considerations above, the proposal is recommended for approval. It is not considered that the changes from the approved scheme would have a detrimental impact on the visual amenities of neighbouring occupiers. It is also noted that these amendments were previously not objected to as part of the recently refused application.

Impact on the amenities of future occupiers

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2015. The SPD standards for bedrooms require double bedrooms to provide a minimum floor area of 12sqm and single bedrooms a minimum floor area of 8sqm. The Sustainable Design and Construction 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 proposed flats would all comply with the minimum space standards as stipulated in the London Plan, including the proposed increase in flats at third floor; in this regard the development is acceptable.

The additional bedrooms to the flats at roof level would benefit from suitable light and outlook and in this regard, the scheme is acceptable.

With regards to outdoor amenity space, all new residential development is expected to provide suitable and useable outdoor amenity space for future occupiers. Whilst previously there was already an under provision of amenity space on the approved scheme, the proposed balcony would increase the provision to Flat 5 on the third floor marginally. Notwithstanding this, the site is located in an area identified as a Town Centre with the associated amenities and the units all exceed the minimum space standards, therefore the shortfall in this case is considered to be acceptable.

It is therefore considered that the amendments to the scheme do not materially alter the assessment previously made and the proposal would provide suitable amenity for future occupiers.

Highways

Officers consulted with the Council's Highways team, who have assessed the scheme in terms of the impact on highways.

The site has an access road that was originally used for the police station, however will now be used for the approved residential development currently being built to the rear (approved under reference 15/07709/FUL). The site lies in a Town Centre location and associated local amenities, however has a low PTAL score of 2. The site has various traffic restrictions to the front, which include payment parking and no waiting areas. The site is located within a one hour Controlled Parking Zone (CPZ).

Pedestrian access is proposed both from the existing access road to the side of the development that serves the property to the rear of the proposed development and the front of the site. This is considered to be acceptable in terms of pedestrian safety.

As with the previous application, in accordance with Policy DM17, the scheme would require the provision of between 5 and 8 parking spaces based on the number and size of the units proposed; however the proposal does not have any off-street parking provision due to the restrictions on the site.

The applicant previously provided a Transport Assessment which included a parking survey. The conclusions of this report indicated that the parking pressure on both the unrestricted parking area and the roads in close proximity to the site are high although there are parking spaces available further away from the site which can possibly accommodate any overspill parking from the development. Considering that the number of flats has not been amended and there is an extant consent, it is not considered that the proposal would result in a greater increase in parking pressures than previously considered to be acceptable.

Highways Officers therefore consider that given that the immediate roads in the close proximity of the site are close to capacity, by allowing car free development in this location is likely to result in unnecessary circular vehicular trips by the new occupiers of the development seeking parking spaces initially on roads in the close proximity of the site, and then venturing further out when not able to find parking on roads in the close vicinity of the site. This could result in detrimental impact on the free flow of traffic. For this reason it is necessary to mitigate the impact of the car free development by exempting the occupiers of the new development from purchasing parking permits. The applicant has therefore agreed to enter into a legal agreement to restrict the issue of parking permits for the future occupiers

of this development. Subject to the legal agreement and conditions, the proposal would be acceptable on Highways grounds.

Accessibility and Sustainability

In respect of the sustainability and accessibility measures, these will remain the same as the previously approved application.

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

Community Infrastructure Levy

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

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

The proposal would be liable for both Mayor's CIL and Barnet CIL.

5.4 Response to Public Consultation

It is considered that the planning related comments raised by objectors have generally been addressed in the report above.

In regards to the affordable housing comments, the development due to the scale would be considered as a minor application and would not require affordable housing contributions. The Local Planning Authority is obliged to assess the application as submitted.

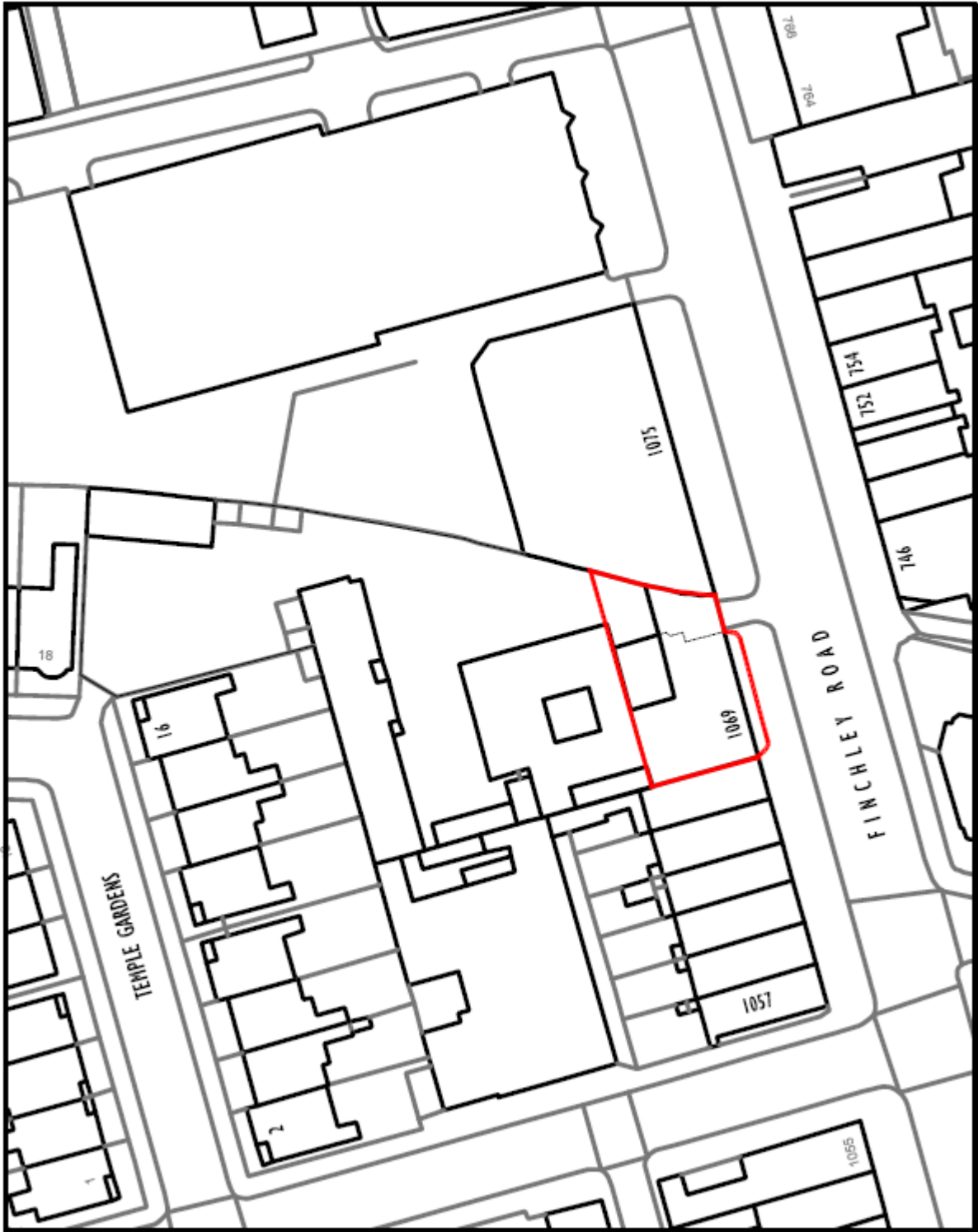
It would appear that some of the objections (relating to proximity to Temple Gardens and removal of opaque glass for balconies) relate to the development at the rear of the site under reference 18/2056/S73, which was approved by the committee in June.

6. Equality and Diversity Issues

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

7. Conclusion

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



Location 138 Hendon Lane London N3 3PS

Reference: 17/7880/HSE

Received: 13th December 2017

AGENDA ITEM 19

Accepted: 15th December 2017

Ward: Finchley Church End

Expiry 9th February 2018

Applicant: Mr simon winston

Proposal: Part single, part two storey side extensions

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:
 - 418PL(2)001
 - 418PL(2)002
 - 418PL(2)003
 - 418PL(2)004
 - 418PL(2)005
 - 418PL(2)006
 - 418PL(2)010
 - 418PL(2)020
 - 418PL(2)102 Revision A
 - 418PL(2)103 Revision A
 - 418PL(2)110 Revision A
 - 418PL(2)120 Revision A
 - 418PL(2)121 Revision A

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

- 2 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 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 elevation(s), of the extension(s) hereby approved, facing Ashby Lodge.

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

- 6 Before the building hereby permitted is first occupied the proposed window(s) in the flank elevation facing Ashby Lodge 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).

Informative(s):

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

also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description

The application site contains a semi-detached dwellinghouse located on the northern side of Hendon Lane, which is a predominantly residential area, characterised by a range of semi-detached, detached dwelling houses and purpose-built flatted residential buildings. To the east of the application site a four-storey, purpose-built flatted development is sited known as Ashby Lodge, 134 Hendon Lane.

The property is not located within a conservation area, and is not listed.

2. Site History

Reference: 15/00873/PNH

Address: 138 Hendon Lane, London, N3 3PS

Decision: Prior Approval Not Required

Decision Date: 31 March 2015

Description: Single storey rear extension with a proposed depth of 5.5 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: F/05058/14

Address: 138 Hendon Lane, London, N3 3PS

Decision: Prior Approval Required and Refused

Decision Date: 22 October 2014

Description: Single storey rear extension with a proposed depth of 6.0 metres from the original rear wall. Eaves height of 3.5 metres and maximum height of 3.5 metres.

Reference: F/03051/14

Address: 138 Hendon Lane, London, N3 3PS

Decision: Approved subject to conditions

Decision Date: 28 August 2014

Description: Creation of new basement level to rear of property.

Reference: F/03052/14

Address: 138 Hendon Lane, London, N3 3PS

Decision: Approved subject to conditions

Decision Date: 27 August 2014

Description: Part single, part two storey side extensions.

Reference: F/05900/14

Address: 138 Hendon Lane, London, N3 3PS

Decision: Prior Approval Process not Applicable

Decision Date: 12 December 2014

Description: Single storey rear extension with a proposed depth of 6.0 metres from the original rear wall. Eaves height of 3.0 metres and maximum height of 3.0 metres.

3. Proposal

This application seeks planning permission for:

Part single, part two storey side extensions.

The ground floor element of the proposal would replace the existing garage and increase the height of the existing spare room which is sited at the rear of the host property and is adjacent to the boundary with Ashby Lodge. The existing garage maintains the same height as the boundary fence between the host property and Ashby lodge and features a flat roof, whereas the rear element being extended features a pitched roof. The existing garage measures 2.3 meters in height and the rear element measures 2.8 metres in height to the eaves, with a maximum height of 4.1 metres.

The proposed ground floor element would be built up to the boundary with Ashby Lodge and would measure 3.3 metres in height to the eaves at the front, with a maximum height to the top of the parapet wall of 4.2 metres. At the rear the extension would feature a flat roof and would measure 4.1 metres in maximum height.

At first floor level, the proposed extension would measure 1.2 metres in width and 4.5 metres in depth.

4. Public Consultation

Consultation letters were sent to 17 neighbouring properties, 8 objections were received which can be summarised as follows:

- Loss of light and outlook.
- Concern over access to properties for maintenance and the flow of water due to the extension being built up to the boundary.
- No access to the rear of the property.
- Time scale of constructing the proposal.
- Out of character.
- Impact to greenery.
- Dirt, noise and dust caused by construction.
- Concern that during the time of the previously approval for the scheme, the neighbouring property at Ashby Lodge was not inhabited.
- Loss of privacy.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016 (MALP)

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted 2016)

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

Sustainable Design and Construction SPD (adopted 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

The proposed scheme has previously been approved in 2014 under reference: F/03052/14. At the time of the approval the neighbouring property at Ashby Lodge had been constructed.

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

The proposed part single, part two storey side extension would be less than half the width of the original dwellinghouse and would be set back from the front main wall by more than 1 metre at first floor level, in compliance with the guidance set out in Barnet's Residential Design Guidance; paragraph 14.15.

At first floor level the extension would be set in from the shared side boundary by 1 metre, with the neighbouring property at Ashby Lodge being set away from this boundary by an additional 2.6 metres, making the distance between the built form of the new extension and the flats approximately 3.6 meters. Given the distance between the proposed extension and the flank wall at Ashby Lodge, it is not considered that the proposed extension would create a terracing effect between these properties, in compliance with paragraph 14.14.

Moreover, the roof form of the proposed extension at first floor level would follow the pitch of the roof which it would adjoin to and at ground floor the extension would feature a parapet wall with a gable end that would appear sympathetic along with the pitched roof of the front bay window.

Taking all of the above into account, by virtue of scale, siting and design, it is considered that the proposed extension would appear sympathetic to the character of the host property and would not have a detrimental impact to this or the character of the street scene, given that it would appear subordinate and appropriate in scale.

Impact on Neighbouring Amenity:

The host property adjoins no. 140 Hendon Lane to form a pair of semi-detached properties. Given that the extension would be sited on the side which neighbours with Ashby Lodge, at no. 134 Hendon Lane, and would be set in from the boundary with no. 140 Hendon Lane by 6.6 metres it is not considered that this would cause significant harmful impact to neighbouring amenity at no. 140 Hendon Lane. It is not considered that the proposed would cause a significant loss of light, outlook or privacy to the residents of this neighbouring property.

The neighbouring property at Ashby Lodge is a large, four-storey block of flats which is set down at a lower level and is set away from the boundary by 2.6 metres. At first floor level, the extension would be set in from the shared boundary by 1 metre. At ground floor, the extension to the front would see an increase in height to the eaves by a metre in comparison to what is existing. Given that the height of the existing garage is the same as the fence, the proposed extension would exceed the height of the fence by 1 metre, along

the boundary. To the rear, the height of the extension would increase by 1.3 metres on the side of the boundary with Ashby Lodge. Therefore, it is not considered that this would create significant adverse impact to neighbouring amenity in terms of the extension appearing overbearing, causing a loss of light, outlook or privacy.

5.4 Response to Public Consultation

- Loss of light and outlook: Addressed in appraisal.
- Concern over access to the rear of the host property and access to properties for maintenance due to the extension being built up to the boundary: The proposed extension is contained within the application site.
- Time scale of constructing the proposal: This is not a material planning consideration.
- Out of character: Addressed in appraisal.
- Impact to greenery: from the front of the site there is no visible greenery along the shared boundary between the proposed extension at 138 Hendon Lane and the neighbouring flatted development Ashby Lodge at 134 Hendon Lane and therefore the proposals are not considered to result in any loss of greenery.
- Dirt, noise and dust caused by construction and flow of water due to the extension being built up to the boundary: This is not a material planning consideration.
- Concern that during the time of the previously approval for the scheme, the neighbouring property at Ashby Lodge was not inhabited: At the time of the previous approval, the property at Ashby Lodge was completed, therefore the impact on the future residents of this property would have been taken into consideration.
- Loss of privacy: Addressed in appraisal.

6. Equality and Diversity Issues

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

7. Conclusion

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



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Location 138 Hendon Lane London N3 3PS

Reference: 17/7880/HSE

Received: 13th December 2017

AGENDA ITEM 20

Accepted: 15th December 2017

Ward: Finchley Church End

Expiry 9th February 2018

Applicant: Mr simon winston

Proposal: Part single, part two storey side extensions

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:
 - 418PL(2)001
 - 418PL(2)002
 - 418PL(2)003
 - 418PL(2)004
 - 418PL(2)005
 - 418PL(2)006
 - 418PL(2)010
 - 418PL(2)020
 - 418PL(2)102 Revision A
 - 418PL(2)103 Revision A
 - 418PL(2)110 Revision A
 - 418PL(2)120 Revision A
 - 418PL(2)121 Revision A

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

- 2 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 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 elevation(s), of the extension(s) hereby approved, facing Ashby Lodge.

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

- 6 Before the building hereby permitted is first occupied the proposed window(s) in the flank elevation facing Ashby Lodge 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).

Informative(s):

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

also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description

The application site contains a semi-detached dwellinghouse located on the northern side of Hendon Lane, which is a predominantly residential area, characterised by a range of semi-detached, detached dwelling houses and purpose-built flatted residential buildings. To the east of the application site a four-storey, purpose-built flatted development is sited known as Ashby Lodge, 134 Hendon Lane.

The property is not located within a conservation area, and is not listed.

2. Site History

Reference: 15/00873/PNH

Address: 138 Hendon Lane, London, N3 3PS

Decision: Prior Approval Not Required

Decision Date: 31 March 2015

Description: Single storey rear extension with a proposed depth of 5.5 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: F/05058/14

Address: 138 Hendon Lane, London, N3 3PS

Decision: Prior Approval Required and Refused

Decision Date: 22 October 2014

Description: Single storey rear extension with a proposed depth of 6.0 metres from the original rear wall. Eaves height of 3.5 metres and maximum height of 3.5 metres.

Reference: F/03051/14

Address: 138 Hendon Lane, London, N3 3PS

Decision: Approved subject to conditions

Decision Date: 28 August 2014

Description: Creation of new basement level to rear of property.

Reference: F/03052/14

Address: 138 Hendon Lane, London, N3 3PS

Decision: Approved subject to conditions

Decision Date: 27 August 2014

Description: Part single, part two storey side extensions.

Reference: F/05900/14

Address: 138 Hendon Lane, London, N3 3PS

Decision: Prior Approval Process not Applicable

Decision Date: 12 December 2014

Description: Single storey rear extension with a proposed depth of 6.0 metres from the original rear wall. Eaves height of 3.0 metres and maximum height of 3.0 metres.

3. Proposal

This application seeks planning permission for:

Part single, part two storey side extensions.

The ground floor element of the proposal would replace the existing garage and increase the height of the existing spare room which is sited at the rear of the host property and is adjacent to the boundary with Ashby Lodge. The existing garage maintains the same height as the boundary fence between the host property and Ashby lodge and features a flat roof, whereas the rear element being extended features a pitched roof. The existing garage measures 2.3 meters in height and the rear element measures 2.8 metres in height to the eaves, with a maximum height of 4.1 metres.

The proposed ground floor element would be built up to the boundary with Ashby Lodge and would measure 3.3 metres in height to the eaves at the front, with a maximum height to the top of the parapet wall of 4.2 metres. At the rear the extension would feature a flat roof and would measure 4.1 metres in maximum height.

At first floor level, the proposed extension would measure 1.2 metres in width and 4.5 metres in depth.

4. Public Consultation

Consultation letters were sent to 17 neighbouring properties, 8 objections were received which can be summarised as follows:

- Loss of light and outlook.
- Concern over access to properties for maintenance and the flow of water due to the extension being built up to the boundary.
- No access to the rear of the property.
- Time scale of constructing the proposal.
- Out of character.
- Impact to greenery.
- Dirt, noise and dust caused by construction.
- Concern that during the time of the previously approval for the scheme, the neighbouring property at Ashby Lodge was not inhabited.
- Loss of privacy.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016 (MALP)

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted 2016)

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

Sustainable Design and Construction SPD (adopted 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

The proposed scheme has previously been approved in 2014 under reference: F/03052/14. At the time of the approval the neighbouring property at Ashby Lodge had been constructed.

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

The proposed part single, part two storey side extension would be less than half the width of the original dwellinghouse and would be set back from the front main wall by more than 1 metre at first floor level, in compliance with the guidance set out in Barnet's Residential Design Guidance; paragraph 14.15.

At first floor level the extension would be set in from the shared side boundary by 1 metre, with the neighbouring property at Ashby Lodge being set away from this boundary by an additional 2.6 metres, making the distance between the built form of the new extension and the flats approximately 3.6 meters. Given the distance between the proposed extension and the flank wall at Ashby Lodge, it is not considered that the proposed extension would create a terracing effect between these properties, in compliance with paragraph 14.14.

Moreover, the roof form of the proposed extension at first floor level would follow the pitch of the roof which it would adjoin to and at ground floor the extension would feature a parapet wall with a gable end that would appear sympathetic along with the pitched roof of the front bay window.

Taking all of the above into account, by virtue of scale, siting and design, it is considered that the proposed extension would appear sympathetic to the character of the host property and would not have a detrimental impact to this or the character of the street scene, given that it would appear subordinate and appropriate in scale.

Impact on Neighbouring Amenity:

The host property adjoins no. 140 Hendon Lane to form a pair of semi-detached properties. Given that the extension would be sited on the side which neighbours with Ashby Lodge, at no. 134 Hendon Lane, and would be set in from the boundary with no. 140 Hendon Lane by 6.6 metres it is not considered that this would cause significant harmful impact to neighbouring amenity at no. 140 Hendon Lane. It is not considered that the proposed would cause a significant loss of light, outlook or privacy to the residents of this neighbouring property.

The neighbouring property at Ashby Lodge is a large, four-storey block of flats which is set down at a lower level and is set away from the boundary by 2.6 metres. At first floor level, the extension would be set in from the shared boundary by 1 metre. At ground floor, the extension to the front would see an increase in height to the eaves by a metre in comparison to what is existing. Given that the height of the existing garage is the same as the fence, the proposed extension would exceed the height of the fence by 1 metre, along

the boundary. To the rear, the height of the extension would increase by 1.3 metres on the side of the boundary with Ashby Lodge. Therefore, it is not considered that this would create significant adverse impact to neighbouring amenity in terms of the extension appearing overbearing, causing a loss of light, outlook or privacy.

5.4 Response to Public Consultation

- Loss of light and outlook: Addressed in appraisal.
- Concern over access to the rear of the host property and access to properties for maintenance due to the extension being built up to the boundary: The proposed extension is contained within the application site.
- Time scale of constructing the proposal: This is not a material planning consideration.
- Out of character: Addressed in appraisal.
- Impact to greenery: from the front of the site there is no visible greenery along the shared boundary between the proposed extension at 138 Hendon Lane and the neighbouring flatted development Ashby Lodge at 134 Hendon Lane and therefore the proposals are not considered to result in any loss of greenery.
- Dirt, noise and dust caused by construction and flow of water due to the extension being built up to the boundary: This is not a material planning consideration.
- Concern that during the time of the previously approval for the scheme, the neighbouring property at Ashby Lodge was not inhabited: At the time of the previous approval, the property at Ashby Lodge was completed, therefore the impact on the future residents of this property would have been taken into consideration.
- Loss of privacy: Addressed in appraisal.

6. Equality and Diversity Issues

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

7. Conclusion

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



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Location **39 Harman Drive London NW2 2ED**

Reference: **18/3330/RCU**

Received: 30th May 2018

AGENDA ITEM 21

Accepted: 5th June 2018

Ward: Childs Hill

Expiry 31st July 2018

Applicant: Mr Ayad Al-Shakarchi

Proposal: Single storey extension rear including extension of patio (Retrospective Application)

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; AA189-28 Rev 01 Pre-existing Location Plan; Existing Site Plan; Pre-Existing Site Plan; Existing Location Plan; Pre-existing Ground Floor Plan; Existing Ground Floor Plan; Pre-existing First Floor Plan; Existing First Floor Plan; Pre-existing Roof Plan; Existing Roof Plan; Pre-existing Rear Elevation; Existing Rear Elevation; Pre-existing Section AA; Existing Section AA; Existing Section BB; EXisting and Proposed Section AA; Design and Access Statement

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

- 2 Before the development hereby permitted is first occupied, the glazed screen to the first floor balcony shall be installed as shown on the approved drawings.

The screens shall be installed in accordance with the details approved before first occupation and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of neighbouring 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 2016) and the Sustainable Design and Construction SPD (adopted 2016).

Informative(s):

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

Officer's Assessment

1. Site Description

The application site is located on the northern side of Harman Drive, close to the junction with Harman Close, within the Childs Hill ward.

The application property is a semi-detached residential dwelling house, which benefits from an L-shaped footprint to the rear affording it a staggered original rear building line.

The site is not located within a Conservation Area and holds no individual designation.

2. Site History

Reference: 16/2100/HSE

Address: 39 Harman Drive, London, NW2 2ED

Decision: Approved subject to conditions

Decision Date: 20 May 2016

Description: Conversion of garage into habitable room, replacement of garage door with bay window

Reference: C03721

Address: 39 Harman Drive, London, NW2 2ED

Decision: Approved subject to conditions

Decision Date: 14 June 1972

Description: Conversion into two self-contained flats

Enforcement investigations are on-going in respect of various works to the property. The current application relates only to the rear extension and adjoining patio. The plans submitted show that a small section of the boundary wall with no. 38 (the curved section) would be lowered to match the height of the main wall.

3. Proposal

This application seeks retrospective consent for a single storey rear extension with pitched roof and extension of patio.

The extension measures 3m depth along the shared boundary with the attached neighbour at 38 Harman Drive for a width of 4.5m, and then steps out an additional 2.8m for a width of 4.4m closest to the shared boundary with 1 Harman Close, creating a total of 4m depth along this side of the property. The height of the extension is 2.6m to the eaves on the side closest to 38 Harman Drive and 2.5m on the side closest to 1 Harman Close.

The patio infills the area adjacent to the staggered building line of the new extension, with two new steps down on a diagonal axis.

4. Public Consultation

5 consultation letters were sent to neighbouring properties.

12 objections have been received

The views of objectors can be summarised as follows;

- Out of character

- Building work carried out on Sundays
- Front elevation should be made to be in line with other properties
- No permission for what has been built
- Extension built on neighbour's land
- Extension too big
- Windows out of character
- Side wall of extension results in a loss of light
- Dangerous precedent for future development
- No regard for planning regulations
- Roof of extension comes above neighbour's balcony

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

This application seeks consent for the retention of a single storey rear extension and extension of patio.

The extension measures 3m depth along the shared boundary with the attached neighbour at 38 Harman Drive for a width of 4.5m, and then steps out an additional 2.8m for a width of 4.4m closest to the shared boundary with 1 Harman Close, creating a total of 4m depth along this side of the property. The height of the extension is 2.6m to the eaves on the side closest to 38 Harman Drive and 2.5m on the side closest to 1 Harman Close.

The patio infills the area adjacent to the staggered building line of the new extension on the side closest to 38 Harman Drive, with two new steps down on a diagonal axis.

The adopted Residential Design Guidance stipulates that;

"The depth of a single storey rear extension, normally considered acceptable for terraced properties is 3 metres, for semi-detached properties it is 3.5 metres, and detached property is 4 metres.

Single storey rear extensions to the original house, need to ensure that:

- the depth and/or height of the extension does not cause a significant sense of enclosure, or loss of outlook from, or light to, principal windows of habitable rooms of neighbouring properties
- they do not look too bulky and prominent compared to the size of the main building and garden to which they relate
- if the garden space is in breach of amenity standards then application will normally be refused
- in addition, if the adjoining house is at a lower level or has a rear building line set back from your rear building line, the depth of the proposed extension may need to be reduced in order to protect amenity of your neighbour."

The proposed extension would adhere to guidance in that it projects 3m along the boundary with the attached neighbour at 38 Harman Drive. On the other side, closest to 1 Harman Close it is noted as projecting 4m, however, as this property has an existing extension which the one at the application property would line up with, there would be no detrimental harm to the amenities of either neighbour. Therefore, due to the existing development on both sites; the extension at 1 Harman Close and brick wall between the pair of semi-detached properties combined with the proposed development being single storey, it is considered that the proposals will not detrimentally impact upon the amenities of the occupiers at either neighbouring site.

The proposals are considered to be acceptable. 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.

5.4 Response to Public Consultation

The concerns raised by neighbours are noted. Many of the objections were in relation to matters not relating to this application for the retention of the single storey rear extension and patio. The extension built at the application property is considered to be acceptable; the design and appearance is considered appropriate and in line with the stipulations of the adopted Residential Design Guidance and it is not considered to be detrimentally harmful to the amenities of neighbouring occupiers.

The concern raised that the applicant has built the extension prior to applying for permission is noted. However, it is at the risk of the applicant if they wish to do so and not impact on our assessment of the proposals.

In regard to the extension being positioned on the neighbour's land, this is a civil matter rather than a planning matter but it should be noted that a Certificate B has been signed

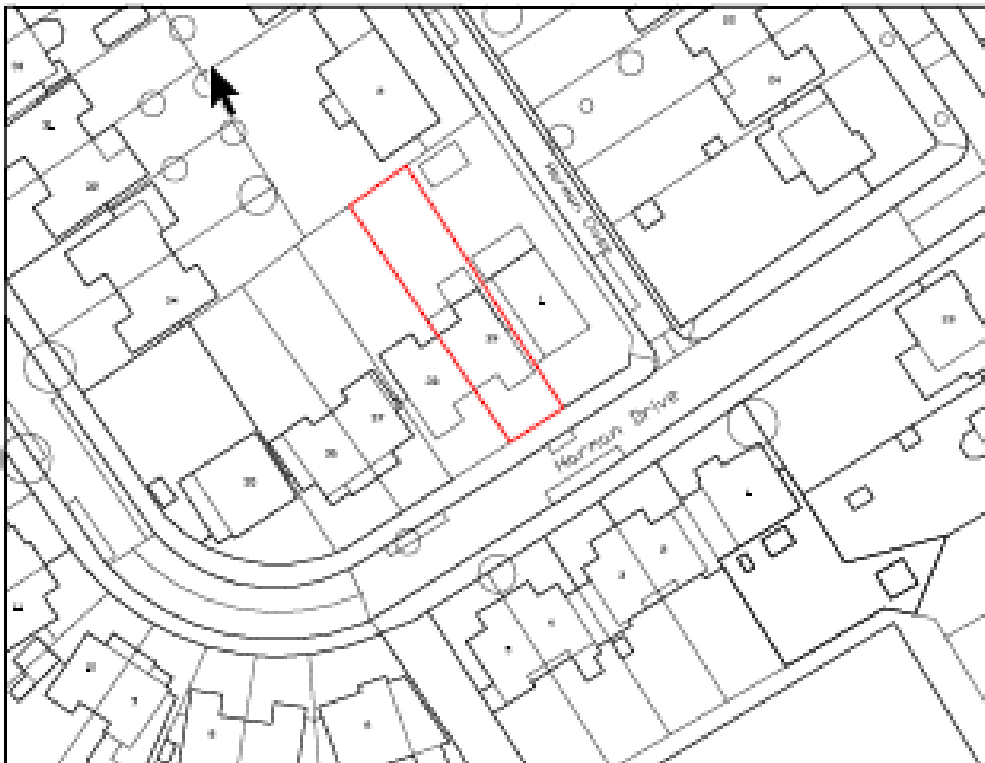
on the application form giving notice to this neighbour. Furthermore, the submitted Design and Access Statement makes reference to a Party Wall agreement signed by both parties.

6. Equality and Diversity Issues

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

7. Conclusion

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



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Location **67 Church Lane London N2 8DR**

Reference: **18/2950/RCU**

Received: 15th May 2018

Accepted: 18th May 2018

Ward: East Finchley

Expiry 13th July 2018

Applicant: Mr Osman Ismail

Proposal: Creation of new door opening and alterations to window positions
(Retrospective Application)

AGENDA ITEM 22

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, Drg.no.2632, Rev.2 and Drg.no.1711-2.

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

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

Informative(s):

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

Officer's Assessment

1. Site Description

The application site is located on the southern side of Church Lane, opposite the junction with Long Lane, within the East Finchley ward.

The existing building is an end of terrace property which forms part of a local parade of shops, comprising of Drug Store, Florist and Gift Shop and cafe / restaurant.

The site was previously used as a Class A2 (Financial services) unit on the ground floor and has recently received consent under the prior approval scheme to convert the unit into Class C3 (Residential use), with maisonettes occupying the first and second floors.

Another application was submitted to change the shopfront, however this was refused as the shop front contributes to the parade of shops and is of some merit to the existing parade of shops and subsequent appeal dismissed.

The property is not listed and does not fall within a designated conservation area.

2. Site History

Reference: C07164A

Address: 67 Church Lane London N2 8DR

Decision: Approved subject to conditions

Decision Date: 07 January 1987

Description: Single storey rear extension

Reference: C07164B

Address: 67 Church Lane London N2 8DR

Decision: Approved subject to conditions

Decision Date: 24 February 1988

Description: Installation of a 1.3 metre diameter receive-only satellite dish aerial on side elevation

Reference: 16/0400/PNR

Address: Ground Floor, 67 Church Lane London N2 8DR

Decision: Prior Approval Required and Approved

Decision Date: 03 March 2016

Description: Change of use from Financial/Professional Services (Class A2) to Residential (Class C3) to provide 1no. unit

Reference: 17/2327/FUL

Address: 67 Church Lane, London, N2 8DR

Decision: Withdrawn

Decision Date: 12 June 2017

Description: Installation of new shop front

Reference: 17/3723/FUL

Address: 67 Church Lane, London, N2 8DR

Decision: Refused

Decision Date: 13 October 2017

Description: Conversion of ground floor shop to 1no residential unit following installation of new front facade

Appeal was dismissed on 07/02/18.

3. Proposal

The current application is for the creation of a new door opening and alterations to the position of the window to the rear elevations of the ground floor unit. The door will enable access onto the rear garden.

The previously existing 3no. windows to the rear elevation have been replaced with 1no. door and 2no. windows.

4. Public Consultation

92 consultation letters were sent to neighbouring properties.

5 objections have been received.

The views of objectors can be summarised below;

- New rear access will be created onto the entrance & garden of the above 1st floor maisonette
- Access door encroaches on the non-living space & entrance into the home of the regulated tenants living at the maisonette at first floor level.
- Applicant taking away access to space utilised and maintained by regulated tenant.
- results in proper invasion of privacy.
- Applicant has not gained permission for the work done at the property including the conversion of the ground floor shop and installation of new façade.
- Conversion of the commercial unit into flat has ruined the intrinsic part of the very special character of Church lane.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM08, DM12, 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, semidetached 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.

5.3 Assessment of proposals

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

The application site occupies the ground floor of the end of a local parade of shops, with residential flats existing on the upper two floors. Whilst the parade of shops is not within a town centre, it forms part of a continuous and unified street scape.

The ground unit has prior approval for conversion to residential use and therefore this conversion can be undertaken without planning permission. Notwithstanding this planning consent is required for external changes.

With regards to the changes to the fenestration of the rear elevation of the ground floor unit, it is not considered that it would be harmful to the character and appearance of the building or the overall parade, which dates from the 1930s.

The design and appearance is not considered to significantly detract from the character of the existing shopping parade and is therefore considered to be acceptable in terms of its appearance.

Impact on the living conditions of neighbouring residents

The proposal does not involve extending the footprint of the property in any way and the only changes are to the rear fenestration of the ground floor unit.

The ground floor self-contained flat will be accessed via the new entrance proposed on the front elevation of the host property on Church Lane, and the new rear door will allow access to the rear garden.

It is not considered that the changes in fenestration will result in additional footfall above what has already been approved, as such the proposal is not considered detrimental to the amenities of neighbouring properties.

5.4 Response to Public Consultation

- New rear access will be created onto the entrance & garden of the above 1st floor maisonette
- Access door encroaches on the non-living space & entrance into the home of the regulated tenants living at the maisonette at first floor level.
- Applicant taking away access to space utilised and maintained by regulated tenant.
- results in proper invasion of privacy.

It is noted that the objections mainly relate to the access of the rear garden. However, agent has confirmed that the entire building belongs to the applicant and therefore the rear

access is in possession of the applicant. Furthermore issues relating to rights of access is not a planning consideration.

- Applicant has not gained permission for the work done at the property including the conversion of the ground floor shop and installation of new façade.
- Conversion of the commercial unit into flat has ruined the intrinsic part of the very special character of Church lane.

The ground floor unit benefits from prior approval for the conversion of the property into a 1bed flat.

With regards to the concerns raised that the residential unit will have a negative impact on the local parade is noted, however, the change of use met the criteria in respect of the prior approval process and accordingly prior approval and the change of use was granted under that provision.

It is considered that the proposed changes will have an acceptable impact on the character of the site and the immediate vicinity. It not considered that the changes will have a detrimental impact on the amenities of neighbouring properties in terms of loss of privacy or overlooking.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the amenities of neighbouring properties. This application is therefore recommended for Approval.



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Location **1 Bute Mews London NW11 6EQ**

Reference: **18/1275/S73**

Received: 27th February 2018

Accepted: 5th March 2018

Ward: Garden Suburb

Expiry 30th April 2018

Applicant: Mr Ost

Proposal: Variation of condition 1 (Approved Plans) and removal of condition 30 (Part M4(2) of Schedule 1 to the Building Regulations 2010) of planning permission 16/8188/FUL dated 30/01/2018 for 'Demolition of the existing detached garages and erection of 6 no two-storey terrace houses with rooms in roofspace. Associated landscaping, access, refuse and parking.' Variations to the approved plans to include enlargement of basement areas of the two end-of-terrace properties [AMENDED DESCRIPTION]

AGENDA ITEM 23

Recommendation: Approve following legal agreement

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

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. Play Spaces Contributions - £2,430
4. Shortfall of Amenity Space contribution - £9,100
5. Private Road Works agreement to resurface and maintain the Private Road
6. Monitoring contribution - £121.50

RECOMMENDATION II:

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

the wording of the conditions considered necessary by the Head of Development Management or Head of Strategic Planning:

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

11163/ 01

11163/ 02

11163/ 03 M

11163/ 04 M

11163/ 05 M

11163/ 06 N

1163/ 07 E

Bat Survey of Garages at Bute Mews, London dated 09 June 2017 by Crossman Associates

Outline Construction Management Plan and Method Statement by Richard Maltese Architects

Design and Access Statement by Richard Maltese Architects

Preliminary Ecological Appraisal dated January 2017 by Greengage

Outline Site Waste and Servicing Plan by wyg associates by January 2017

Transport Statement dated December 2016 by Parsons Brinckerhoff

Landscape Strategy by colvin&moggridge dated December 2016

Arboricultural Assessment and Method Statement by barrel tree consultancy dated December 2016

Flood risk assessment by rma environmental dated December 2016

Heritage Statement dated December 2016

Tree Protection Plan

Daylight and Sunlight reports dated December 2016 by Point 2 Surveyors

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

- 2 This development must be begun within three years from the date of the original permission reference 16/8188/FUL, dated 30/01/2018.

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. These shall include:

details of dormer windows

details of brickwork and pointing

details of windows and surrounds

details of brick retaining walls

details of chimney stacks

details of eaves

details of doors including garage doors
details of rooflights
details of rainwater goods
details of roof ventilation
details of gates and boundary treatment
details of signage and lighting
details of hardsurfaces

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

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

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

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

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

5 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of

the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

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

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

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

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

7 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under Condition 1 has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

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

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

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

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD

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

9 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2015.

10 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.

11 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).

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

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

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

13 a) Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

b) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the

development is first occupied or the use commences and retained as such thereafter.

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

- 14 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure the amenities of occupiers are not prejudiced by traffic/mixed use noise in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013), and 7.15 of The London Plan 2015.

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

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

- 16 Before the development hereby permitted commences a Car Parking Management Scheme shall be submitted to and agreed in writing by the Local Planning Authority.

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

- 17 The garages provided in connection with the residential development shall only be used for the parking of private motor vehicles and shall not be used in connection with any use, trade or business.

Reason: To ensure the permanent retention of the parking provision 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.

- 18 Notwithstanding the details submitted, No site works or works on this development including demolition or construction work shall commence until a Demolition and

Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

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

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

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

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

- 20 Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the approved parking spaces to be provided with electric vehicle charging facilities and 20% passive for future use. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan.

- 21 No development, including demolition, shall take place until a method statement detailing the treatment and control of Japanese Knot weed on site has been submitted to and approved in writing by the Local Planning Authority.

The submitted arboricultural method statement and impact assessment must be reviewed in the light of the required treatment of Japanese knotweed identified on the site.

The development shall be implemented in accordance with the method statement as approved under this condition.

Reason: To accord with the Environmental Protection Act 1990 and to safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 22 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), the buildings hereby permitted shall not be extended or altered in any way without the prior grant of planning permission.

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).

- 23 Before the development hereby permitted is occupied, details of how the proposed scheme would meet Secure by Design Accreditation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details.

Reason: To ensure that the proposals do not compromise local security in accordance with policy CS12 of the Barnet Core Strategy.

- 24 Before the development hereby permitted commences (other than for the purposes of demolition), an Ecological Management Plan shall be submitted and approved in writing by the local planning authority. The development shall be implemented in accordance with these details.

Reason: To ensure that the development provides biodiversity improvements in accordance with policy DM16 of the Adopted Barnet Development Management Policies 2012.

- 25 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.

- 26 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.

- 27 The development hereby approved shall not commence until a surface water drainage strategy for the site has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with these details.

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

- 28 The demolition works should be carried out in accordance with the recommendations contained in Section 4.4 of the Bat Survey Report approved under Condition 1, or overseen or advised by a suitably experienced ecologist in the form of a tool box talk.

Reason: To safeguard the adjacent Site of Importance for Nature Conservation and retain and enhance biodiversity, in accordance with Policy DM16 of Barnet's Development Management Policies Document DPD (2012) and London Plan Policy 7.19.'

- 30 Before the development hereby permitted is first occupied turning space, parking spaces and loading areas 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.

- 31 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(1) 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 comply with the requirements of the 2016 Mayors Housing SPG.

RECOMMENDATION III:

1 RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 18 September 2018, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to meet the costs of amenity space shortfall and play space. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

Informative(s):

- 1 In accordance with paragraphs 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 This decision notice should be read in conjunction with the informatives set out in the decision notice of 18/8188/FUL

Officer's Assessment

1. Site Description

The red line site for the proposed development is situated directly to the rear of The Market Place (the frontage building to Falloden Way) and is known as Bute Mews.

The site and surrounding area is located within the designated Hampstead Garden Suburb Conservation Area.

The block is situated between Northway to the West and Kingsley Way to the east. The land is accessed through an entrance at each end of the land in Northway and Kingsley Way.

The Market Place constitutes a retail parade with residential flats above.

No. 14 - 56 (even) The Market Place is a locally listed terrace, listed on 12/10/10 by the Local Authority for the buildings Local Architectural or Historic Interest.

The land to the rear contains a number of garage blocks but is principally used for parking. The area has also been known to accumulate waste and fly tipping. The garage blocks are not statutory or locally listed buildings.

Immediately behind these garages is a strip of overgrown land within which are a number of small to medium sized trees.

Beyond this is Northway Gardens, a public park. Mutton Brook flows through it and this land is both designated Metropolitan Open Land (MOL) and a Site of Importance for Nature Conservation (SINC).

According to the Government's flood map for planning, due to the presence of Mutton Brook the park falls inside Flood Zone 2 and Flood Zone 3. Bute Mews however does not, and falls inside Flood Zone 1.

There is a bus stop outside the front of The Market Place as well as short term car parking. General needs car parking is accommodated within Northway and Kingsley Way, as well as in Bute Mews.

There are a number of trees both within and outside of the site. There are no Tree Preservation Orders on site. As the site falls within a conservation area any trees on the site and neighbouring sites are subject to planning control.

To the west end of the site adjacent to Northway there is a mature tree which constitutes a constraint on development that has amenity pressures for the occupiers of the flats in Bute Mews. This tree has permission for its removal (application reference TCF/00425/15, dated 19th August 2015).

2. Site History

Reference: 16/8188/FUL

Address: 1 Bute Mews, London, NW11 6EQ

Decision: Approved following legal agreement

Decision Date: 30 January 2018

Description: Demolition of the existing detached garages and erection of 6no two-storey terrace houses with rooms in roofspace. Associated landscaping, access, refuse and parking

3. Proposal

The applicant seeks a variation of condition 1 and the removal of condition 30 of the planning permission 16/8188/FUL, dated 30 January 2018, for the 'Demolition of the existing detached garages and erection of 6 no two-storey terrace houses with rooms in roofspace. Associated landscaping, access, refuse and parking.'

Regarding variation of condition 1, which stated the details and drawings subject to which the planning permission is granted, the applicant wishes to enlarge the basement area of the two end-of-terrace properties.

Regarding Condition 30, which stated that the drawings permitted under the consent 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, the applicant wishes to remove this condition altogether.

4. Public Consultation

A site notice was erected 15 March 2018.

A press notice was published 15 March 2018.

Consultation letters were sent to 249 neighbouring properties.

7 responses have been received, comprising 6 letters of objection and 1 letter of support.

The representations received can be summarised as follows:

- Unpleasant and possibly unhealthy accommodation
- Adverse effect on the floor levels (Mutton Brook) with a detrimental effect on all the surrounding properties.
- Hedging is inadequate boundary treatment
- Want a guarantee that if the building goes ahead, no site rubbish, mud or builder debris would interfere with the Capital Ring (park) path
- Permission was originally given on the condition of the developers to undertake proper site management. No clearing of the site has been undertaken.
- What arrangements have been made to enforce the site maintenance both before, during and after the development, should it be allowed to proceed?
- Designated bin area seems small and some distance
- Concerns with highways and parking
- Issues with site used by drug dealers
- There is no guarantee that the situation will improve the remaining Bute Mews area after the development is finished
- Medivet have right of access. Want reassurance when the new drive was being re-laid access would not be blocked off
- We would strongly support a full enforcement of a provision to clean up the site before works can begin to ensure it does not become even more of a health and safety hazard than it already is.

Councillor Sargeant commented:

"I am most concerned at the plans to extend the footprint. This is already an overdeveloped site. I am also concerned about the changes to disabled access. Garden Suburb already has a high proportion of older people who although they may not live in the property would need access to it. Moreover the site has not been maintained as had been expected. I am also concerned that the plans only have a hedge boundary and would need chain link fencing. There are no proposals about how to alleviate the huge disruption to traffic once the site is developed and whilst being developed. There are still problems with access to the site and disturbance."

A support comment for the scheme was received, but no address was given.

HGS CAAC: Approved

Heritage Officer: No objection

Tree Officer: No objection

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, DM06, DM17

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

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

The Hampstead Garden Suburb Conservation Area Design Guidance SPD and Character Appraisal (2010)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the changes are considered 'minor material' amendments and whether they are acceptable in planning terms

5.3 Assessment of proposals

When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements.

New issues may arise after planning permission has been granted, which require modification of the approved proposals.

In this instance the applicant seeks to enlarge the basement area, and remove the requirement to meet Part M4(2) of Schedule 1 to the Building Regulations 2010.

Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.

There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

Variation of Condition 1:

Condition 1 of the planning permission stated the details and drawings subject to which the planning permission is granted.

The applicant seeks to vary the approved plans, by enlarging the basement areas beneath the two end of terrace properties consented.

The two end of terrace properties were approved with garages. The basement would be enlarged beneath the footprint of the garage. It would not extend any further beyond the approved footprint. The character and appearance of the designated conservation area would be preserved. The Tree Officer has confirmed that the proposal to have a basement underneath the permissioned garages at the either end of the new terrace will not have an impact on retained trees because the majority of the trees retained on the site are located beyond the site boundary and development zones.

The scale and nature of the enlarged basement does not result in a development substantially different from the one which was previously approved, and as such, Officers raise no objection.

Removal of Condition 30:

Condition 30 of the planning permission stated:

"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."

The reason given was: 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.

The applicant wishes to remove this condition.

M4(2) requires, amongst other things, that:

"a. Within the curtilage of the dwelling, or of the building containing the dwelling, it is possible to approach and gain step-free access to the dwelling" and

"b. There is step-free access to the WC and other accommodation within the entrance storey, and to any associated private outdoor space directly connected to the entrance storey"

The applicant states that due to existing site levels, this cannot be achieved.

The Mayor's Housing SPG (March 2016) states in Paragraph 2.3.10:

"LPAs should seek to ensure that dwellings accessed above or below the entrance storey in buildings of four storeys or less have step-free access. However, in certain specific cases, the provision of a lift where necessary to achieve this aim, may cause practical difficulties, make developments unviable and/or have significant implications for the affordability of service charges for intended residents. Analysis of the viability and affordability impacts of M4(2) may require 'bespoke' assessments of site-specific circumstances. Where necessary, for developments of four stories or less, the requirements of Policy 3.8Bc should be applied flexibly to ensure that residential or mixed use development is deliverable. This may bear particularly on the following types of schemes;

...small-scale infill developments, where the depth and width of a plot and height restrictions may inhibit the overall floorplate and massing of a building and the number of units which can be provided on a particular site (eg. gap sites adjacent to existing residential dwellings or in a conservation area)"

It continues in Paragraph 2.3.11:

"If proposals do not include step free access they should clearly demonstrate that achieving step free access would make the development unviable or would mean that service charges are not affordable for the intended residents. If the LPA accepts this then the base Building Regulation M4(1) could be applied. All other standards in this SPG should continue to be applied."

The applicant has provided two options for achieving M4(2). These are set out in Drawings 11163/ 061, 11163/ 061A, 11163/ 062.

The level difference from the entrance storey to the outdoor amenity space (at over a metre) requires a ramp of 20 degree (1:20 maximum slope allowable under Building Regulations) which is not practical in a garden that is 5 metres deep. The first option therefore is locating a platform lift and additional steps externally to provide access to the garden.

The platform lift would be located on the rear elevation, and would compromise the integrity and appearance of the building. This is particularly pertinent as the rear elevation is visible from the adjacent public park (which is designated Metropolitan Open Land). It is considered that an external platform lift would fail to preserve or enhance the character or appearance of the Hampstead Garden Suburb conservation area, contrary to Policy DM06 of Barnet's Development Management Policies Document DPD (2012). The Heritage Officer concurs with this. Due to the depths of the gardens, access from the new lift at the garden level would not be practical with just over 1 metres from the platform to the site boundary (excluding the hedge planting). Furthermore, the LPA have been privy to information which demonstrates that locating an external platform lift would make the development unviable.

The second option is to locate a lift internally with steps. The internal lift would be in the main habitable space at ground floor (previously consented to be the living room). Therefore the internal layout and use of the dwellings would be significantly compromised. The LPA have been privy to information which demonstrates that locating an internal platform lift and steps in the main living area would make the development unviable.

Officers are satisfied that, in line with the Mayor's guidance, the applicant has demonstrated that in this instance, achieving step free access to the garden would make

the development unviable and cause practical difficulties. The dwelling would remain to have step free access to the entrance of the dwelling and ground floor. The LPA will therefore apply the policy flexibly to ensure the development is deliverable, and consequently recommend to remove this condition. The removal of M4(2) would not result in a development that is substantially different from the one which has been approved. The base Building Regulation M4(1) will be applied in lieu.

5.4 Response to Public Consultation

- Unpleasant and possibly unhealthy accommodation

Planning permission 16/8188/FUL, dated 30/01/2018, was found to provide acceptable standard of accommodation for future occupiers. The enlargement of the basement area has not altered this position.

- Adverse effect on the floor levels (Mutton Brook) with a detrimental effect on all the surrounding properties.

According to the Government's flood map for planning, due to the presence of Mutton Brook the park falls inside Flood Zone 2 and Flood Zone 3. Bute Mews however does not, and falls inside Flood Zone 1. There is therefore a low risk of flooding. A basement has already been consented and this application would see the enlargement of this consented basement.

- Hedging is inadequate boundary treatment

The hedging boundary was found acceptable under planning permission 16/8188/FUL, dated 30/01/2018. The position has not altered.

The hedging boundary would be in keeping with the character and appearance of the conservation area and visual amenity of MOL. Gates to the park were removed in the previous application on the advice of the Council's Parks department.

- Want a guarantee that if the building goes ahead, no site rubbish, mud or builder debris would interfere with the Capital Ring (park) path

This would be covered under a Demolition and Construction Method Statement and Logistics Plan, which has been conditioned.

- Permission was originally given on the condition of the developers to undertake proper site management. No clearing of the site has been undertaken.

The developers are not obliged to begin works once in receipt of planning consent.

- What arrangements have been made to enforce the site maintenance both before, during and after the development, should it be allowed to proceed?

This was discussed in depth under the planning permission 16/8188/FUL, dated 30/01/2018.

Bute Mews is a two-way private road with no right of access to the public. It is understood that apart from the dedicated parking area to the rear of the veterinary clinic and the existing garages at the site, there are no existing rights to park in the service road area.

Notwithstanding this the applicants transport assessment submitted in support of the application has demonstrated that the level of car parking is to be provided in accordance with the London Borough of Barnet parking standards and vehicle track plots completed for the proposed site arrangement have demonstrated that suitable access is provided and will not impact on the existing operation of the private road.

There is currently no management located on the site, deliveries and servicing is generally sporadic located along Bute Mews. The potential addition of dedicated signed loading areas are expected to be self-enforceable and for this reason the applicant has recommended clear markings with coloured surfacing or hatching. The applicant also advises that a contact number to an off-site management company will be made available to existing tenants and new residents, in order to report any issues experienced along the mews.

- Designated bin area seems small and some distance

This was discussed in depth under the planning permission 16/8188/FUL, dated 30/01/2018.

Currently refuse collection is undertaken once a week by the London Borough of Barnet, with refuse trucks reversing into Bute Mews from Northway.

The applicants report submitted in support of the application states that given the low number of residential units for the proposed development, a significant increase in the number of servicing vehicles is not expected nor would it require a separate refuse collection. The report states that refuse collection can be part of the existing collection arrangement at the site, with refuse vehicles anticipated to have a slightly longer dwell times to collect the additional refuse and recycling from the new dwellings.

Refuse and recycling storage has been provided for each proposed dwelling.

New timber refuse enclosures to house both general waste and recycling bins for the existing residential units (16A/B to 56A/B Falloden Way) and the existing retail units separately. This proposal will 'tidy' up and rationalise the current refuse arrangement observed on the site.

The Council's Recycling and Waste Service have confirmed they raise no objection to the proposed servicing arrangement.

- Concerns with highways and parking

This was discussed in depth under the planning permission 16/8188/FUL, dated 30/01/2018.

The variation under this permission would not alter the position.

- Issues with site used by drug dealers

In the event crimes are committed this is a police matter. It would not constitute a planning reason for refusal.

- There is no guarantee that the situation will improve the remaining Bute Mews area after the development is finished

There is currently no management located on the site, deliveries and servicing is generally sporadic located along Bute Mews. The potential addition of dedicated signed loading areas are expected to be self-enforceable and for this reason the applicant has recommended clear markings with coloured surfacing or hatching. The applicant also advises that a contact number to an off-site management company will be made available to existing tenants and new residents, in order to report any issues experienced along the mews.

Currently refuse collection is undertaken once a week by the London Borough of Barnet, with refuse trucks reversing into Bute Mews from Northway.

The applicants report submitted in support of the application states that given the low number of residential units for the proposed development, a significant increase in the number of servicing vehicles is not expected nor would it require a separate refuse collection. The report states that refuse collection can be part of the existing collection arrangement at the site, with refuse vehicles anticipated to have a slightly longer dwell times to collect the additional refuse and recycling from the new dwellings.

Refuse and recycling storage has been provided for each proposed dwelling.

New timber refuse enclosures to house both general waste and recycling bins for the existing residential units (16A/B to 56A/B Falloden Way) and the existing retail units separately. This proposal will 'tidy' up and rationalise the current refuse arrangement observed on the site.

- Medivet have right of access. Want reassurance when the new drive was being re-laid access would not be blocked off

Rights of access is not a planning matter.

- We would strongly support a full enforcement of a provision to clean up the site before works can begin to ensure it does not become even more of a health and safety hazard than it already is.

Any issues related to untidy land and dumping is a planning enforcement and/or Environmental Health matter.

Councillor Sargaent commented:

"I am most concerned at the plans to extend the footprint. This is already an overdeveloped site. I am also concerned about the changes to disabled access. Garden Suburb already has a high proportion of older people who although they may not live in the property would need access to it. Moreover the site has not been maintained as had been expected. I am also concerned that the plans only have a hedge boundary and would need chain link fencing. There are no proposals about how to alleviate the huge disruption to traffic once the site is developed and whilst being developed. There are still problems with access to the site and disturbance."

The extended basement would remain under the footprint of the consented house (the garage).

The scheme under application reference 16/8188/FUL, dated 30/01/2018, was not found to represent overdevelopment. It is not considered that the enlargement of the consented basement area below the footprint of the house would alter this position.

Officers acknowledge that the dwellings would not provide level access throughout the ground floor. However considering the context of the site and the total number of units, in addition to the applicants evidence in line with the Mayor's Housing SPG, it is considered in this particular instance the removal of M4(2) is acceptable.

The hedging has been discussed above. Traffic and parking matters were addressed in the previous permission. The matters at hand in this application do not alter those previous conclusions.

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

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.

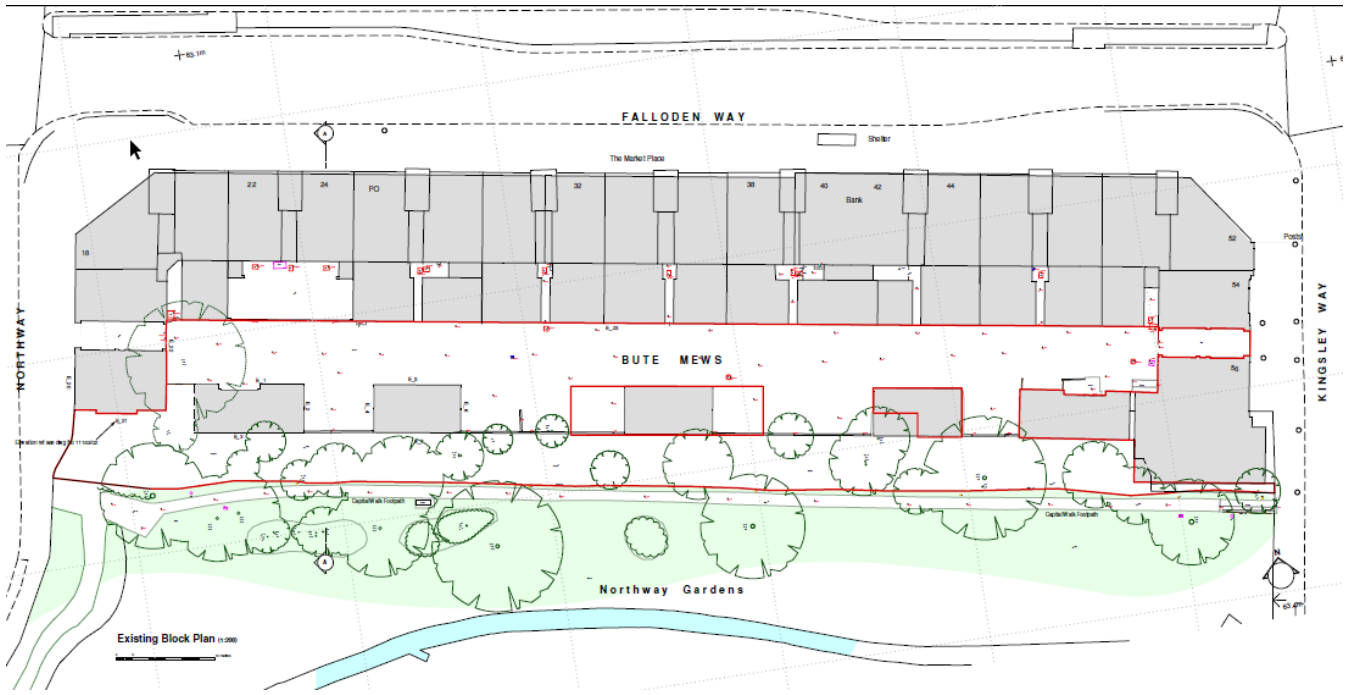
The potential equality impacts have been highlighted above. Any equalities impacts have also to be analysed in the context of the overall planning merits of the scheme and the benefits it will confer particularly on the applicant.

Officers acknowledge that the removal of M4(2) would impact populations in protected characteristics by way that level access to the garden is not provided. The Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to any buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. This is the duty of local planning authority. In this particular instance, it is considered the harm to the conservation

area outweighs the need to provide level access to the garden. Officers have also given weight to deliverability, as advised in the London Plan.

7. Conclusion

This application is recommended for approval.



Location **2 Dollis Road London N3 1RG**

Reference: **18/2369/FUL**

Received: 18th April 2018

Accepted: 1st May 2018

Ward: West Finchley

Expiry 26th June 2018

Applicant: Shahar

Proposal: Demolition of existing dwelling and construction of a three storey detached building plus rooms in roofspace comprising of 7no self-contained flats. Associated amenity space, refuse storage, cycle store and provision of 4no off street parking spaces

AGENDA ITEM 24

Recommendation: Approve subject to s106

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

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. Contribution to street tree planting to provide setting to the building - £4,800

RECOMMENDATION II:

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

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

Drawing No. 2DR-PP1-01

Drawing No. 2DR-PP1-02 A

Drawing No. 2DR-PP1-03 A

Drawing No. 2DR-PP1-04

Drawing No. 2DR-PP1-05 A

Drawing No. 2DR-PP1-06

Sustainability Statement dated 18 April 2018 by Tal Acr Ltd.

Transport Statement dated April 2018 by Caneparo Associates and accompanying drawing no. TR01 A

Design and Access Statement and Planning Statement

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

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

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

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

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

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

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

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

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

5 a) 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.

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

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

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 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).

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

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

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway

and pedestrian safety in accordance with policies CS9, CS13 , CS14, DM01, DM04 and DM17 of the Barnet Local Plan and polices 5.3, 5.18, 7.14 and 7.15 of the London Plan

11 Before the development hereby permitted is first occupied the parking spaces shown on the plans approved under Condition 1 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development. The parking spaces and access to the parking spaces from the public highways shall be maintained at all times.

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.

RECOMMENDATION III:

1 RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 18 September 2018, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to meet the costs of street tree planting. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

Informative(s):

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

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

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

3 Thames Water have stated:

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

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

"A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Should you require further information please refer to our website.
<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewaterservices>

The proposed development is located within 15m of our underground waste water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.
[https://developers.thameswater.co.uk/Developing-a-largesite/ Planning-your-development/Working-near-or-diverting-our-pipes](https://developers.thameswater.co.uk/Developing-a-largesite/Planning-your-development/Working-near-or-diverting-our-pipes).

Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided

WATER COMMENT

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

- 4 The applicant must submit an application under Section 184 of the Highways Act (1980) for the proposed vehicular access. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant.

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 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance towards any damage to the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic related to the proposed development. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 6 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

Officer's Assessment

1. Site Description

The application property is a semi-detached property sited at the junction of Dollis Road and Crescent Road.

It fronts Dollis Road, with its side elevation facing Nether Street, and rear elevation facing Crescent Road.

It is not located within a conservation area and is not a statutory or locally listed building.

There are no Tree Preservation Orders on site.

2. Site History

Reference: C04130C

Address: 2 Dollis Road N3

Description: Erection of garage with bedroom over

Decision: Approved subject to conditions

Decision date: 14 October 1974

Reference: C04130B

Address: 2 Dollis Road N3

Description: Erection of garage/bathroom/utility room extension at rear

Decision: Approved subject to conditions

Decision date: 06 March 1974

Reference: C04130A

Address: 2 Dollis Road N3

Description: Erection of two storey rear extension

Decision: Refused

Decision date: 19 September 1973

Reference: C04130

Address: 2 Dollis Road N3

Description: Erection of two-storey rear extension and alteration of existing access.

Decision: Refused

Decision date: 11 December 1972

3. Proposal

The application proposes the demolition of the existing semi-detached dwelling house and erection of a new three storey development with accommodation in the roof space. It will provide seven self-contained residential flats.

The proposed building extends a width of 16 metres facing Dollis Road, before extending into a tower turret/bay feature as the plot angles. Facing Crescent Road, the building has a width of 9.9 metres, before extending to follow 12 metres to follow the line of the plot angle. Adjacent to the boundary of No. 4 Dollis Road, the building would have a depth of 8.3 metres.

The land rises as Dollis Road progresses south easterly towards the roundabout. The building has an eaves height of 7.8 metres adjacent to No. 4 Dollis Road, with a ridge height of 11.3 metres. At its highest point the building has an eaves height of 7.9 metres and maximum height of 13 metres.

The development would provide 4 off street parking spaces, cycle and refuse/recycling storage and communal garden, in addition to external balconies.

4. Public Consultation

A site notice was erected 10 May 2018.

Consultation letters were sent to 202 neighbouring properties.

26 responses have been received, comprising 19 letters of objection, 6 letters of support and 1 letters of comment.

The representations received can be summarised as follows:

- Concerns with under provision of parking and impact on highways and parking, in addition to the safety of pedestrians, school children and road users. Concerns included safety of the roundabout and exiting/entering the proposed parking spaces. Reports of cars being broken into.
- Objections have referred to Council's plans to reduce on-street parking spaces to make better provision for bus stops.
- There is loss of 2 parking spaces because of wider access to the new development, so in essence only two additional parking spaces are being proposed to cater for 7 flats which is clearly inadequate.
- Errors/flaws with submitted transport assessment including:

"Transport plan for the proposed development and the application proposal seem to create intentional misdirection or serious errors in the calculation of parking requirements. The proposal suggests the creation of 4no parking spaces however the plan actually removes 2no on street parking spaces. The current development has 2no spaces so the net result of this proposal is net 0no parking spaces with 6 additional dwellings. In addition the parking survey was conducted on Wednesday and Thursday night and it is stated that this is peak parking time. Due to the proximity of the site to the tube station and local restaurants, peak parking is actually on Friday and Saturday evening. While I hate to object to the creation of much needed additional dwellings on the grounds of parking, this proposal does not meet its own stated parking provision aims."

"The parking survey conducted on the 7th and 8th March confirmed there were either ZERO or two free parking spaces available of a night on Dollis Road. With the proposed Dollis Road crossovers, reducing the available spaces by two, some residents may already be forced to park on other streets. This situation will be made worse by the additional cars parking on the street from the proposed development"

"The parking assessment is flawed as it does not take into consideration the impact from other consented developments in close vicinity or previously submitted planning applications e.g. the in process building of 34 self contained flats within Adastra Hse on Nether St and the recent application for 3 self contained flats at 276 Nether St. This is contrary to the 'Lambeth Methodology' referenced, which states, 'The cumulative effect of other consented development in the immediate area will also need to be taken into account when assessing the effect of parking on the street.' The Transport Assessment does not do this."

"The parking survey was based on a 200metres walk from dwelling to parking space being acceptable based on the Lambeth Methodology. The only available parking in the study was all shown to be at the top end of Dollis Road, which you should be aware is a long road. Given the already serious parking pressures on Dollis Road, any overspill from the proposed development could result in Dollis Road residents having to walk greater than 200metres to find a parking space. This is completely unacceptable, and puts residents welfare beneath the profits of commercial developers."

- Construction work must not carry on during peak hours
- Concerns with pressure on drainage and services
- Loss of family homes
- Impact of building on character and appearance of the street scene and area; concerns including size, scale, height, design feature of the bay/tower.
- Photographs provided misleading
- Noise and disturbance to residents from construction activities
- Comments on new owners intentions
- How much more "space" will the development take up as the garden section goes into a sharp triangle due to road layouts?
- It will cause loss of privacy for the single storey bungalow diagonally opposite it, causing overlooking into the garden and bedrooms. The panoramic photos shown in the development proposal have distorted scale and distances between the proposed development site and neighbouring flats and have failed to show the single story bungalow that will be affected.
- Impact on sunlight and daylight on surrounding properties
- 7 flats replacing one house is overdevelopment with loss of a large part of its garden. 4 floors with an additional pitched roof on top will be out of scale with neighbouring properties.
- Concerns of refuse and dumping. Link to transiency of renters

Objection made on behalf of Crescent Rise Management (Finchley) Ltd: Parking pressure and concerns that occupiers of the proposed development will use parking areas at Crescent Rise. If the application is allowed without providing at least one off-road parking space for each flat, we consider that the developer should be required to provide a capital sum sufficient to enable us to install an automated barrier at the entrance to our drive, plus sufficient to cover maintenance and renewals for the next thirty years. These funds should be paid to us, or placed in escrow with the Council or an agreed solicitor, before work on site is allowed to start.

Comment on behalf of the Finchley Society: "Without objecting to the application, the Society asks the Council, if it approves the proposal, to make it a condition that parking permits will not be granted to residents. That should go some way to meeting the objections that have been recorded."

Support:

- Small developments like this suitable for elderly people downsizing. Accessible and close to amenities with a lift.
- Improve appearance of the corner. Additional gardens proposed. We must use urban areas to provide the housing needed. In doing so we will save the green belt and natural wildlife in the country side which are under constant threat from developments being pushed outside the cities.

- We need more small blocks of flats in the area for young families who cannot afford a large house. A second resident supported this view.
- Sufficient parking available
- A well designed building that is in sympathy with other properties in the area. The current garden area has been kept. Some additional parking spaces have been provided which I believe will be adequate. It will provide much needed accommodation close to good transport links and other local amenities.
- It is clearly that there is a much higher demand for storage and residential need, but not really parking issues especially where the tube is only a short walking distance away and with many bus routes to town.
- In addition, around the site there are currently nine parking spaces (two will be removed to be replaced for the cross-over) and four new parking will be added on site.
- It is very welcome to learn that this proposal for a new built (rather than a conversion...) is with a design that is in keeping with the character of the area, yet provide fresh highest standards quality new housing suitable for all; people with disabilities, old people, and young couples as the new built will incorporate a lift, private balconies, private gardens, communal garden retained and mixture of different sized flats.

It is noted that one letter of support has an incomplete address.

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, CS9.
- Relevant Development Management Policies: DM01, DM02, DM04, DM17.

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

Supplementary Planning Documents

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 principle of redevelopment is acceptable
- Whether harm would be caused to the character and appearance of the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether harm would be caused to the living conditions of future occupiers
- Whether the development would impact the highways and parking

5.3 Assessment of proposals

Principle of redevelopment:

For areas such as the application site policies CS1 and CS3 of the Barnet Core Strategy expect new developments to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.

The proposed development would result in the demolition of the existing dwelling house and replacement with a three storey development of 7 self-contained residential units.

The application site has not been identified for any specific use in development plan planning policies, is previously developed land and is situated in an area characterised by residential housing. It is not a designated heritage asset. The land is located within walking

distance of a number of bus stops, is close to local amenities and utilises existing access from Dollis Road and Crescent Road.

Sited at this junction there are numerous flatted developments in the immediate locality and as such, the principle of self-contained units is not objected to. It would not result in a loss of residential accommodation, and would represent a net increase of residential units. In such circumstances, Planning Officers find that there is nothing to specifically preclude the redevelopment of the site in the broadest sense, subject to the scheme proposed being compliant with the relevant development plan policies.

Impact on character and appearance of the street scene and surrounding area:

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The application site is located on the junction of Dollis Road and Crescent Road, as well as Nether Street.

In the immediate area there are examples of buildings of heights of three storeys or greater (Sheringham Court, Crescent Rise and 3 and 5 Crescent Road). The dwelling along Dollis Road are of a two storey height. The proposed building would be three storeys in height with rooms in the roof space. However, the land rises as Dollis Road progresses south-easterly towards the roundabout, and the building has designed with stepped roof form to follow and continue the rhythm and increase of the ridge heights.

The proposed building would reflect the bay/turrets as observed on the surrounding properties. The building would follow the front and rear building lines of the properties along Dollis Road.

Planning Officers recognise that the development would result in an increase in built form, mass and bulk on the site. The development therefore requires landscaping to provide a setting for the building. As there is limited space on site to achieve this, it will be offset through contributions (secured through a legal agreement) to street tree planting around the building to provide a setting.

For the above reasons, it is considered that the proposed development would respect the appearance, scale, mass, height and pattern of surrounding buildings, in accordance with Policy DM01.

Impact on amenity of neighbouring occupiers:

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users.

The existing dwelling adjoins Number 4 Dollis Road. The new building would be built off the boundary. It would follow the general front building line of Dollis Road. It would not project significantly beyond the rear main wall of No. 4 Dollis Road. The balconies facing Crescent Road are indicated to have 1.8 metre high obscure glass screen.

The development will be greater in height than the existing building. Due to the orientation of the properties, the development would cause a degree of overshadowing, but this would be confined mainly to the mornings of the summer months.

As such, it is not considered the building would harm the amenity of neighbouring occupiers to an unacceptable level.

Impact on amenity of future occupiers:

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers.

Policy DM02 of Barnet's Development Management Policies Document DPD (2012) identifies standards that development will be expected to meet in relation to a number of matters, including the internal floor space of new dwellings and outdoor amenity space. The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new residential accommodation. The council also has adopted SPD's (entitled Sustainable Design and Construction and Residential Design Guidance updated 2016) providing more detailed guidance on a range of matters related to creating new residential accommodation in addition to the Mayors adopted SPG's (entitled Housing).

The proposed units would meet the relevant minimum floorspace standards as set out in London Plan Policy 3.5. They would all provide a minimum ceiling height of 2.3 metres in line with Policy 3.5.

All units would provide adequate outlook, light and privacy, subject to conditions.

Table 2.4 of Barnet's Sustainable Design and Construction SPD (2016) states that flats should be provided with 5 sqm of outdoor amenity space per habitable room. The ground floor units are provided with their own garden areas which exceed these requirements. Combining the balconies and communal garden area, Officers are satisfied the requirements for the upper floor flats are met.

Overall, the development meets the relevant policy in regards to amenity and living conditions.

Highways and parking:

Policy DM17 of Barnet's Development Management Policies Document DPD (2012) states that the council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi-detached houses and flats (4 or more bedrooms);
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

It states that

2. Residential development may be acceptable:

- i. with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be demonstrated through a survey that there is sufficient on street parking capacity.
- ii. with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.

A Highways Officer has assessed the application and stated:

"The proposal is for demolition of the existing single family dwelling and the construction of a three storey building accommodating 7 self-contained units comprising of 3x1bed, 3x2bed and 1x3bed self-contained units. The applicant is proposing to make provision for 4 off-street car parking spaces including 1 disabled car parking space.

The site lies within a PTAL 4 site, which is considered as good public transport accessibility. Controlled parking zone CE is in operation in the vicinity of the site Mon-Fri between 2pm-3pm.

In accordance with requirements set out on Policy DM17 of the London Plan, for a site such as this the car parking provision requirement should be 6 off street car parking spaces.

The applicant has provided a car parking beat survey which demonstrates that although parking demand in the vicinity of the site is high, there is possible availability to accommodate the potential overspill of parking that may result from the proposed development."

5.4 Response to Public Consultation

- Concerns with under provision of parking and impact on highways and parking, in addition to the safety of pedestrians, school children and road users. Concerns included safety of the roundabout and exiting/entering the proposed parking spaces. Reports of cars being broken into.

The application has been assessed by a highways officer, who has deemed the parking space provision sufficient in accordance with Policy DM17.

It is not considered that the development would worsen the safety of pedestrians or road users.

Cars being broken into are not a planning matter.

- Objections have referred to Council's plans to reduce on-street parking spaces to make better provision for bus stops.

The highways officer has been advised by our public transport officer that consultations are taking place for the proposal for 2 additional bus stop cages on Dollis Road. However, no approval has been given as yet and as you are aware when assessing an application, only the existing situation can be taken into account. Therefore the proposal for the provision of 2 additional bus cages in future could not be included in the Transport Statement.

- There is loss of 2 parking spaces because of wider access to the new development, so in essence only two additional parking spaces are being proposed to cater for 7 flats which is clearly inadequate.

The proposed 3 off-street car parking spaces on Dollis Road and the proposed vehicular accesses are acceptable on highways grounds as the loss of on-street car parking spaces is being offset by the off-street provision and therefore there is no new loss in parking.

- Errors/flaws with submitted transport assessment including:
 - "Transport plan for the proposed development and the application proposal seem to create intentional misdirection or serious errors in the calculation of parking requirements. The proposal suggests the creation of 4no parking spaces however the plan actually removes 2no on street parking spaces. The current development has 2no spaces so the net result of this proposal is net 0no parking spaces with 6 additional dwellings. In addition the parking survey was conducted on Wednesday and Thursday night and it is stated that this is peak parking time. Due to the proximity of the site to the tube station and local restaurants, peak parking is actually on Friday and Saturday evening. While I hate to object to the creation of much needed additional dwellings on the grounds of parking, this proposal does not meet its own stated parking provision aims."

The proposed 3 off-street car parking spaces on Dollis Road and the proposed vehicular accesses are acceptable on highways grounds as the loss of on-street car parking spaces is being offset by the off-street provision and therefore there is no new loss in parking.

- "The parking survey conducted on the 7th and 8th March confirmed there were either ZERO or two free parking spaces available of a night on Dollis Road. With the proposed Dollis Road crossovers, reducing the available spaces by two, some residents may already be forced to park on other streets. This situation will be made worse by the additional cars parking on the street from the proposed development"

The days and hours during which the survey has been undertaken are acceptable as they coincide with the hours within which residents are most likely to be at home, which would show the highest parking demand on the road.

- "The parking assessment is flawed as it does not take into consideration the impact from other consented developments in close vicinity or previously submitted planning applications e.g. the in process building of 34 self contained flats within Adastra Hse on Nether St and the recent application for 3 self contained flats at 276 Nether St. This is contrary to the 'Lambeth Methodology' referenced, which states, 'The cumulative effect of other consented development in the immediate area will also need to be taken into account when assessing the effect of parking on the street.' The Transport Assessment does not do this."

A Highways officer has reviewed their records for consulted applications in the immediate area and do not believe the highways impacts of these application are significant enough to warrant the submitted Transport Assessment supporting this application to be revised/amended.

- "The parking survey was based on a 200metres walk from dwelling to parking space being acceptable based on the Lambeth Methodology. The only available parking in the study was all shown to be at the top end of Dollis Road, which you should be aware is a

long road. Given the already serious parking pressures on Dollis Road, any overspill from the proposed development could result in Dollis Road residents having to walk greater than 200metres to find a parking space. This is completely unacceptable, and puts residents welfare beneath the profits of commercial developers."

The Transport Assessment was undertaken in accordance in line with the Lambeth Methodology.

- Construction work must not carry on during peak hours due to highways safety. Noise and disturbance to residents from construction activities

Construction sites can cause an inevitable level of noise, disturbance and vehicle movements. Much of this is unavoidable due to the nature of the work. The Control of Pollution Act 1974 gives the Environmental Health special powers to control noise on construction and demolition sites.

The permitted hours of work when noise can be audible at a construction site boundary are:

- Monday to Friday, 8am to 6pm
- Saturday, 8am to 1pm
- Sunday and Bank Holidays, no work allowed

Any noisy operations outside these hours cannot be undertaken without prior approval of the department and permission is only granted in exceptional circumstances e.g. emergency works.

In the absence of clear policy or legislation, it is unreasonable to restrict vehicle movements or activity in peak hours, in this particular instance. Notwithstanding this, details of logistics this will be secured through a condition.

- Concerns with pressure on drainage

Thames Water have been consulted. They have recommended a number of informatives, some of which related to drainage, which have been attached to this decision.

- Loss of family homes

Policy DM01 of Barnet's Development Management Policies Document DPD (20120 states: "Loss of houses in roads characterised by houses will not normally be appropriate" and "Conversion of dwellings into flats in roads characterised by houses will not normally be appropriate". The area is mixed in character and includes many flat developments in the immediate area. As such, the loss of a dwelling house and its replacement with flats is not considered out of character.

- Impact of building on character and appearance of the street scene and area; concerns including size, scale, height, design feature of the bay/tower.

As discussed in the main body of the report, its considered by way of its design and form, the proposed building would respect the appearance, scale, mass, height and pattern of surrounding buildings, in accordance with Policy DM01. It is not considered overdevelopment of the site.

- Photographs provided misleading

The Planning Officer has undertaken a site visit and has assessed the application based on their own photographs and site inspection.

- Comments on new owners intentions

This is not matter for planning.

- How much more "space" will the development take up as the garden section goes into a sharp triangle due to road layouts?

The development proposes a communal garden in the same location as the existing dwelling's garden, which would retain a degree of openness on this corner plot.

- It will cause loss of privacy for the single storey bungalow diagonally opposite it, causing overlooking into the garden and bedrooms. The panoramic photos shown in the development proposal have distorted scale and distances between the proposed development site and neighbouring flats and have failed to show the single story bungalow that will be affected.

No exact address of the said bungalow has been provided. Upon a site inspection it is not clear what property is being referenced to. Notwithstanding this, the new building would be sited in a similar location (albeit of a larger size) than the existing dwelling. The existing building has windows facing properties on Dollis Road and Crescent Road. This would remain the case. Although there would be an additional number of windows and new balconies (at a higher level), by way of the road(s) separating the properties opposite, it is not considered they would overlook gardens or rooms to an unacceptable level.

- Impact on sunlight and daylight on surrounding properties

The building would sited adjacent to No. 4 Dollis Road. Due to the orientation of the properties, the development would cause a degree of overshadowing to this property, but this would be confined mainly to the mornings of the summer months. Officers do not foresee how any other properties would be detrimentally affected in regards to daylight and sunlight.

- Concerns of refuse and dumping. Link to transiency of renters

There is no planning mechanism within which to stipulate whether units granted planning permission are owner-occupied or tenanted. As such this cannot constitute a reason for refusal.

The development would be provided with dedicated refuse and recycling storage. Officers do not foresee how this particular development would result in an increase of dumping further down Dollis Road.

If residents have concerns with dumping they should contact the Planning Enforcement or Environmental Health departments at the Council.

- Objection made on behalf of Crescent Rise Management (Finchley) Ltd: Parking pressure and concerns that occupiers of the proposed development will use parking areas at Crescent Rise. If the application is allowed without providing at least one off-road parking space for each flat, we consider that the developer should be required to provide a

capital sum sufficient to enable us to install an automated barrier at the entrance to our drive, plus sufficient to cover maintenance and renewals for the next thirty years. These funds should be paid to us, or placed in escrow with the Council or an agreed solicitor, before work on site is allowed to start.

It is unreasonable for the local authority to expect the applicant to fulfil this request. No part of the Government's Planning Practice Guidance would support this request.

- Comment on behalf of the Finchley Society: "Without objecting to the application, the Society asks the Council, if it approves the proposal, to make it a condition that parking permits will not be granted to residents. That should go some way to meeting the objections that have been recorded."

The application has been assessed by a highways officer, who has deemed the parking space provision sufficient in accordance with Policy DM17. Therefore, there would be no requirement to remove the right for parking permits in this particular instance. Furthermore, the site is located in a Controlled Parking Zone which limits parking to resident only between Monday to Friday 2-3 pm. Removing the right to parking permits would therefore have limited effect on such times as evening parking, which the majority of objections to this planning application seem to focus on.

The comments of support are noted.

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 street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring or future occupiers, and would not impact the highways network. This application is therefore recommended for approval.



Location **First Floor Flat 53 Princes Avenue London N3 2DA**

Reference: **18/1787/FUL**

Received: 20th March 2018

Accepted: 21st March 2018

AGENDA ITEM 25

Ward: West Finchley

Expiry 16th May 2018

Applicant: Mr Michael Capocci

Proposal: Conversion of the second floor into 1no self-contained flat including a roof extension involving 1no. rear and 2no. side dormer window, 2no. rooflights to both side elevations to facilitate a loft conversion and internal alterations to existing first floor flat

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, 313.P.01, 313.F.02, Planning report Revised by Mr M Capocci dated 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 Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

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

- 5 Before the development hereby permitted is occupied, cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

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

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

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

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

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

- 8 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.

- 9 a) Before the building hereby permitted is first occupied details of the glazing for the front gable window shall be submitted to and approved in writing by the Local Planning Authority.

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

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

- 10 Prior to the first occupation of the new dwelling (Use Class C3) hereby approved it shall have been constructed to have 100% of the water supplied to it by mains water infrastructure provided through a water meter or water meters and the 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 used to determine the water consumption. 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 and policy 5.15 of the London Plan.

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

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

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. 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.

- 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 Refuse collection points should be located within 10 metres of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on

collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.

Officer's Assessment

1. Site Description

The application site is an end of terrace house which has already been converted into ground and first floor flats. The site is located on Princes Avenue within the West Finchley Ward.

The dwelling has a pitched roof with an additional flat roof, two storey projection at the rear. The property also benefits from a ground floor rear extension. The property is attached to the neighbouring property, number 55, at the rear.

The property is not in a Conservation Area and is not a Listed Building.

2. Site History

Reference: 17/3777/FUL

Address: 53A Princes Avenue London N3

Decision Date: 01.09.2017

Decision: Refused

Description: Conversion of 1st and 2nd floors into 2no self-contained flats including roof extension involving 1no rear and 2 no side dormer windows, 1no. rooflight to both side elevations to facilitate a loft conversion.

Reason for refusal:

The proposal due to its lack of glazing, poor outlook and layout, lack of outdoor amenity space and failure to achieve the required minimum gross internal area for the flats would provide an unacceptably poor level of amenity for future occupiers. For these reasons the proposal is contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policies DM01 and DM02 of the Adopted Development Management Policies DPD (2012) and the Council's Sustainable Design and Construction SPD (2016).

Appeal was dismissed.

Reference: C12436

Address: 53A Princes Avenue London N3

Decision Date: 14 August 1996

Decision: Approved subject to conditions

Description: Erection of replacement single storey rear extension at rear.

Reference: 17/1637/FUL

Address: First Floor Flat 53 Princes Avenue London N3

Decision Date: 09.05.2017

Decision: Approved subject to conditions

Description: Roof extension involving 1no rear and 2 no side dormer window, 1no. rooflight to both side elevations to facilitate a loft conversion (Amended description).

3. Proposal

The application seeks permission to convert the second floor into 1no self-contained flat including a roof extension involving 1no. rear and 2no. side dormer windows, 2no. rooflights to both side elevations to facilitate a loft conversion and internal alterations to existing first floor flat. The proposal will include the introduction of glazed windows to the front elevation of the existing gabled roof.

The rear dormer is slightly larger than the previous refused scheme reference 17/3777/FUL, measuring approximately 2m wide, 1.5m in depth and 1.75m high with a flat roof.

The side dormer facing 55 Princes Avenue measures 1.9 metres in depth, 3.2 metres in width and 1.6 metres in height with a flat roof.

The side dormer facing 51 Princes Avenue measures 1.8 metres in depth, 3.4 metres in width and 1.9 metres in height, with clear glazed windows and with a flat roof. Both side dormers are similar in scale, size and design to the previously refused scheme and there will be an additional window in both side dormers.

The 1no self-contained 1b2p unit flat unit (Flat C) will provide for:
Flat C- 54.5sqm 1 bedroom- 2 persons

The ground floor flat will remain as existing. The layout of the first floor flat will be altered but it will remain a 2 bed unit.

Internal Consultees:

Environmental Health : No comment

Highways: The proposal is for the conversion of the second floor into a 1x1bed self-contained unit. There is no off-street car parking provision proposed with this application.

The site is in a PTAL 4 zone, which means that the public transport accessibility is good.

Taking into consideration the following:

- o The site is located within a Controlled Parking Zone (CE/CEZ) which is in operation Mon-Fri between 2pm-3pm.
- o It is located within a town centre location
- o It is within walking distance of local amenities
- o The application is for a conversion

The proposed provision of no off-street car parking spaces, is in accordance with the requirements set out on Policy DM17 of the London Plan and is therefore acceptable on highways grounds.

Please note that cycle parking and cycle storage facilities should be provided in accordance with the London Plan Cycle Parking Standards.

The application is recommended for approval on highways grounds, subject to conditions and informatives.

4. Public Consultation

Consultation letters were sent to 194 neighbouring properties.

2 letters of support and 5 objections received.

The objection was as follows:

There is a shortage of parking and this proposal will exacerbate this issue.

This is an overdevelopment of the house and will affect the character of the street.

The street is a family street and should be retained for family homes.

The proposed conversion will have an adverse effect on my right to light, privacy and quiet enjoyment of property.

The letters of support were as follows:

The current position compares to the proposal which will create two much needed purpose designed flats meeting all modern construction regulations.

No objections as the development is expected to be in accordance with building regulations with up to date sound proofing.

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, DM09, 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:

- i. The principle of flats in this location
- ii. Whether the proposal provides satisfactory living accommodation for future occupiers
- iii. The Impact on the appearance and character of the area
- iv. The impact on the amenities of neighbouring occupiers
- v. Parking and highways
- vi. Refuse and recycling storage

5.3 Assessment of proposals

The previous application was for the conversion of the existing first floor flat and the provision of loft accommodation to provide 2 X 2 bed duplex flats. The application was refused due to the proposed quality of accommodation. The applicant lodged an appeal and in dismissing the appeal, the Inspector concluded:

"However, it remains that the accommodation provided within these two units would be somewhat constrained. Within this context the lack of outdoor amenity space provision would undermine the standard of accommodation and the resulting living conditions for future residents would not be satisfactory.

The current application maintains the first floor flat as existing, although there are changes to the internal layout. The additional flat in the second floor would be a one bed 2 person unit, as opposed to a two bed unit in the refused scheme.

The principle of flats in this location

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

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area. Policy DM01 of Barnet's Development Management Policies states that conversion of dwellings into flats in roads characterised by houses will not normally be appropriate.

The application site is currently occupied as 2 self-contained flats. The locality that surrounds the application site is also characterised by existing flatted residential development. According to council tax records the following properties on Princes Avenue contain 2 flats: 9,12, 33, 35, 36, 47, 54, 55, 56, 59, 60,61, 62, 65 and 66. According to Council tax the following properties contain between 3 to 4 flats: 2, 17, 21, 22, 34, 51 and 63. As flatted development is a feature of the local area and there are existing properties that contain between 3 to 4 flats, it is considered that in principle it is acceptable to allow the creation of a 1x1bed self-contained unit on the application site provided that it meets the necessary requirements.

The Impact on the appearance and character of the area

This section relates purely to character from a visual appearance perspective and not the principle of flat conversions and their impact on character; this has been addressed above.

The external changes to the property will be the construction of a modest sized dormer with a flat roof in the rear roof slope and one side dormer in each side of the main roof slope, as well as two additional rooflights in each of the side elevations and a window to the front gable. The external changes are similar to those approved under reference 17/1637/FUL.

The impact of the proposed roof extensions on the character of the area has already been assessed in the above application and it is considered that, even with the increased size of the rear dormer, the dormers still appear in scale with the roof slope and are not overly dominant in the side and rear elevations.

The proposal includes glazing to the front gable. The front gables are a characteristic feature of all the properties on this street and the glazing will visibly alter this feature. On assessment of the streetscene, there appear to be some examples of square windows in the front gable however no examples of glazed panels as proposed. The style and extent of glazing to the front gable is not characteristic in the street and alters the appearance of the property. While it is not considered the harm to the building appearance and character is significant enough to refuse, officers are concerned about the glazing and therefore, a condition is to be attached to the approval which will seek additional detail about the glazing material and design.

Whether the proposal provides a satisfactory living environment for 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.

Floor Area:

The London Plan (2016) and Barnet's policies and Sustainable Design SPD (Oct 2016) set out the minimum GIA requirements for residential units as follows:

1 bedroom, 2 person- 50sqm

The proposed 1no self-contained unit would be as follows:

Flat C- 54.5sqm GIA 1 bedroom- 2 persons

The proposed floorspace complies with the London Space standards.

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;
- Double/twin bedroom: minimum area should be 11.5 m² and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All rooms would meet these standards.

Flat C has one double bedroom which is above the 11.5m² requirement for a double bedroom size. The proposal complies with the minimum space standards as set out in the London Plan 2016 and is considered suitable for 2 people. The proposed 1x1bed self-contained unit is considered acceptable in terms of amenity and would provide an acceptable living environment.

Amenity Space

No amenity space is proposed for the additional flat or is available for the existing flat. Despite the comments of the appeal Inspector, there are site specific circumstances which may justify the top floor one - bed flat not being provided with outdoor amenity space such as that the property is not located within an area deficient in public open space, is near to Victoria Park (approximately a four minute walk) and is located near to public transport which provides residents with the opportunity to seek out recreational areas outside of the property.

Therefore, it is considered that the lack of amenity space provision, given that the existing flat remains as it is and the new flat is only a one-bed unit would not be reason to warrant refusal of the application.

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.

The flat has a ceiling height of approximately 2.5m and as such, complies with this standard.

Room stacking:

The Residential Design Guidance SPD (October 2016) requires that the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. The proposed layout shows

bedrooms over bedrooms and dining/living areas over dining/living areas of the second floor over the existing first floor flat. These are recognised to be the most used and loudest rooms which, being kept in the same locations as the existing counterparts will not significantly impact the first floor flat more than existing. The room stacking is considered to minimise disturbance for users on the floors below and sound insulation will be conditioned.

Sound insulation between units should be incorporated into the scheme should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. The applicant should achieve the required sound insulation levels; this would be enforced by an appropriate condition if approved.

Light/outlook:

Policy DM01 states that 'Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users'. In terms of privacy, the upper flat does not have access to the rear garden, therefore, the privacy of the future occupiers of the ground floor flat is not expected to be affected.

The proposal is similar to previous application reference 17/3777/FUL which the Inspector had commented on as having reasonable outlook. In particular, in relation to the front glazing the Inspector had stated 'details of its design are not clear, this element could provide a reasonable outlook to the front of the property'. As discussed above, the glazing and details of its design will be conditioned.

Since the Inspector's decision, the current scheme has introduced one more rooflight in each of the side roofslopes. The level of glazing had been calculated to amount to approximately 13.4sqm which although below the 20% guidance as set out in the Sustainable Design and Construction SPD, 2016, the Inspector had commented on saying that 'any deficiencies relating to glazing would not be significantly harmful in terms of light or outlook. With regard had to the Inspector's assessment, the proposed 1x1bed unit is considered to provide residents with a satisfactory standard of accommodation in terms of adequate light and outlook.

The impact on the amenities of neighbouring occupiers

The proposal includes extensions to the property which will alter the external appearance of the property. The extensions were assessed under an earlier application and approved. The proposed extensions are not considered to have a detrimental impact on the neighbouring occupiers. The internal alterations and addition of 1x1 bed self-contained unit, is not considered to have an adverse impact on the amenity of neighbouring occupiers.

The addition of one flat may result in more movement and comings and goings from the upstairs units which could impact the ground/first floor flat. However, the addition of 1x1 bed unit is not considered to significantly increase noise and or disturbance to the detriment of the amenities of existing occupiers. However, a condition ensuring sound proofing will be attached.

Parking and Highways

Highway officers have no objection to the proposals.

Refuse and recycling storage

Details of the refuse and recycling has not been provided, a condition requiring those details will be secured and attached to the decision.

5.4 Response to Public Consultation

Planner matters are discussed in the body of the report.

6. Equality and Diversity Issues

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

7. Conclusion

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

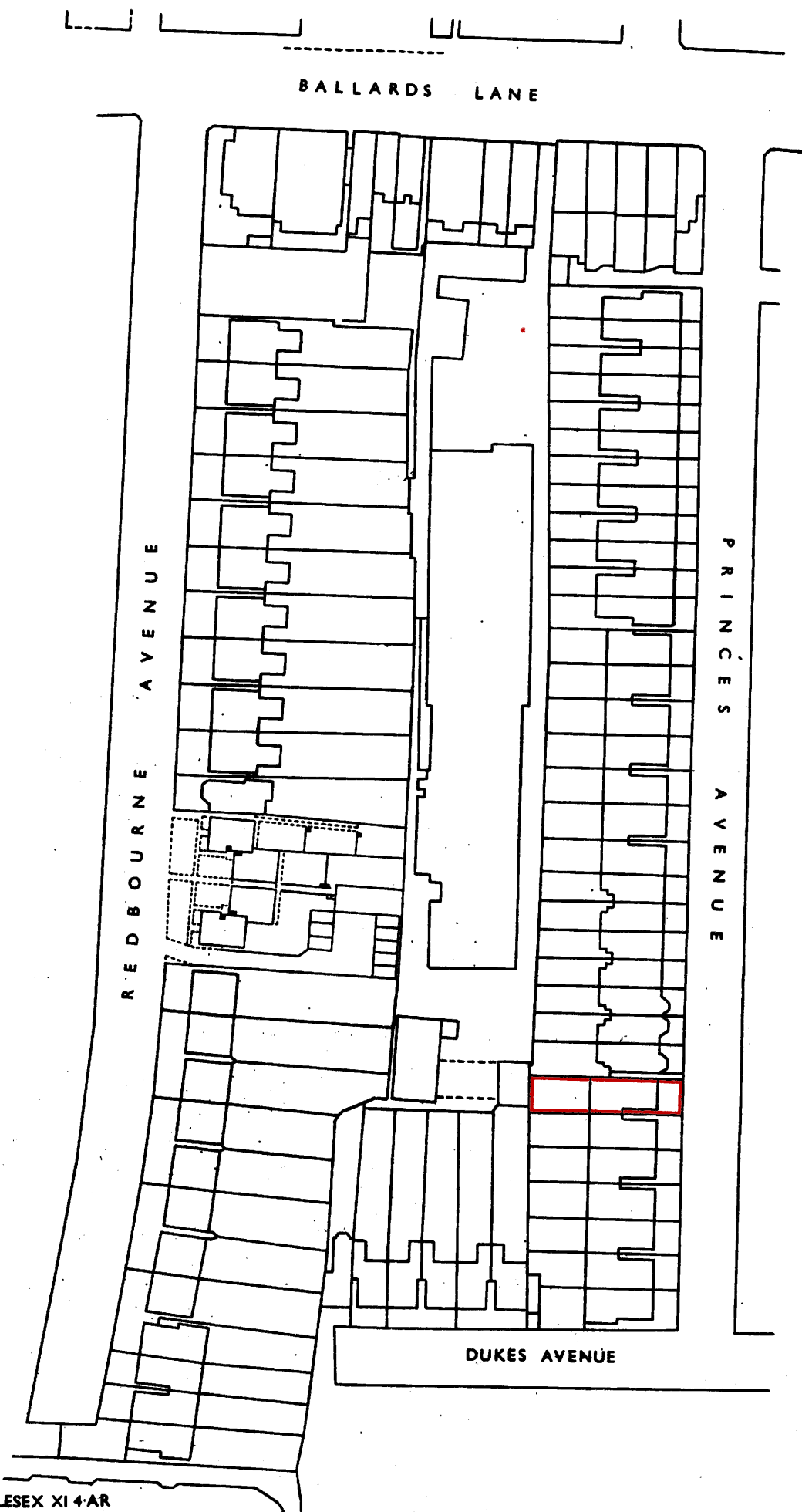
H. M. LAND REGISTRY GENERAL MAP

~~MIDDLESEX~~ SHEET TQ2590 SECTION H
GREATER LONDON (NATIONAL GRID)

Scale 1/1250

BOROUGH OF BARNET

~~FINCHLEY PARISH~~



Old Reference MIDDLESEX XI 4AR

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327

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