

**LOCATION:** 135 Golders Green Road, London, NW11 8HG

**REFERENCE:** F/02844/13

**Received:** 05 July 2013

**Accepted:** 10 July 2013

**WARD:** Childs Hill

**Expiry:** 04 September 2013

**Final Revisions:**

**APPLICANT:** Mr Bodner

**PROPOSAL:** Demolition of existing building and 3no. locked-up garages and erection of a new mixed use 3 storey building plus rooms at roof level comprising 7no. self-contained flats and 2no. offices at basement level, including lightwells. Associated off-street car parking, refuse store, cycle storage and landscaping.  
(Amended Description)

**Approve Subject to completion of section 106 Agreement**

**RECOMMENDATION I:**

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

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Highways (traffic order) £2,000.00**  
A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development.

**RECOMMENDATION II:**

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: F/02844/13 under delegated powers subject to the following conditions: -

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

- Design and Access statement
- Drawings 135GGR-PP2-01, 135GGR-PP2-02, 135GGR-PP2-03A, 135GGR-PP2-04A, 135GGR-PP2-05A.

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

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

Reason:

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

- 3 Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

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 DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

- 4 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

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 DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

- 5 The basement shall be used as offices and 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 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).

- 7 Before the building hereby permitted is occupied the proposed windows in the side elevation facing 137 Golders Green 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 Adopted Barnet Development

Management Policies DPD (2012).

- 8 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm 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 Adopted Barnet Development Management Policies DPD (2012).

- 9 Before the development hereby permitted is occupied, the amenity areas shall be subdivided as shown on the hereby approved drawings, implemented and retained as such on site 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 Adopted Barnet Development Management Policies DPD (2012).

- 10 The property shall be used as self-contained units as shown on 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.

- 11 In the event of the installation of extraction and ventilation equipment, details shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before their installation.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 12 A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

- 13 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.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 14 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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 15 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.

- 16 The level of noise emitted from any plant installed on 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 Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 17 The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012), the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and policies 5.2 and 5.3 of the London Plan (2011).

- 18 The non-residential development is required to meet the following generic environmental standard (BREEAM) and at a level specified at Section 6.11 of the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007). Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason:

To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012), the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and

policies 5.2 and 5.3 of the London Plan (2011).

- 19 Before the development hereby permitted is occupied, parking spaces shall be provided in accordance with drawing no 135GGR-PP2-03A submitted with the planning application and that area shall not thereafter be used for any purpose other than for the parking and turning of vehicles 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.

**INFORMATIVE(S):**

- 1 i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.  
ii) In this case, formal pre-application advice was sought prior to submission of the application.
- 2 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 3 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 Council of 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 email:

[street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning: 0208 359 7294.

- 4 In case if any modification is proposed or required to the existing access off the public highway then it will be subject to a detailed investigation by the Crossover Team in Environment and Operations Directorate. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of any existing street furniture. This would need to be done by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on public highway from DRS, Building 4, North

London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

Removal or relocation of any existing street furniture or alteration to road markings or Controlled Parking Bays would be subject to public consultations and would be done at the applicant's expense, under a rechargeable works agreement, by the Council's term contractor for Highway Works.

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/Tree Section as part of the crossover application. The outcome of this assessment cannot be prejudged. Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, DRS, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £8,816.50 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 £34,006.50 payment under Barnet CIL.

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.

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

You 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 Community Infrastructure Levy 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: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

### **RECOMMENDATION III**

That if an agreement has not been completed by 25 October 2013, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should **REFUSE** the application F/02844/13 under delegated powers for the following reasons:

The proposed development does not include a formal undertaking to meet the required costs required towards amending the traffic order to prevent the residents occupying the proposed development from applying for parking permits and therefore would not address the highways impacts of the development, contrary to Policies DM17 of the Adopted Barnet Local Plan 2012.

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework:

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

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published on 27 March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible.

The London Plan is recognised in the NPPF as part of the development plan.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications, such as this proposal, which are considered to accord with the development plan.

## The Mayor's London Plan July 2011:

- Policy 3.3 – Increasing Housing Supply
- Policy 3.4 – Optimising Housing Potential
- Policy 3.5 – Quality and Design of Housing Developments
- Policy 3.8 – Housing Choice
- Policy 3.9 – Mixed and Balanced Communities
- Policy 5.2 – Minimising carbon dioxide emissions
- Policy 5.3 – Sustainable design and construction
- Policy 7.1 – Building London's Neighbourhoods and Communities
- Policy 7.2 – An Inclusive Environment
- Policy 7.3 – Designing Out Crime
- Policy 7.4 – Local Character
- Policy 7.6 – Architecture
- Policy 7.14 – Improving air quality

The Mayor for London has introduced a Community Infrastructure Levy. This applied from 1 April 2012 to most developments in London where the application is determined by the Local Planning Authority.

Within Barnet the levy is charged at a rate of £35 per square metre of net additional floorspace.

The Council has also introduced a Community Infrastructure Levy. This applies from 1 May 2013 to most residential and retail developments in the Borough where the application is determined by the Local Planning Authority. The levy is charged at a rate of £135 per square metre of net additional floorspace.

## Barnet Local Plan

### Core Strategy Policies 2012

- Policy CS 1 Barnet's Place Shaping Strategy – The Three Strands Approach
- Policy CS 3 Distribution of growth in meeting housing aspirations
- Policy CS 4 Providing quality homes and housing choice in Barnet
- Policy CS 5 Protecting and Enhancing Barnet's character to create high quality places
- Policy CS 6 – Promoting Barnet's town centres
- Policy CS 9 – Providing safe, effective and efficient travel
- Policy CS 15 – Delivering the Core Strategy

### Development Management Policies 2012

- DM01 Protecting Barnet's character and amenity
- DM02 Development standards
- DM04 Environmental considerations for development
- DM11 Development principles for Barnet's town centres
- DM14 New and existing employment space
- DM17 Travel impact and parking standards



### Local Supplementary Planning Documents (SPDs):

- Barnet SPD: Residential Design Guidance (2013)
- Barnet SPD: Sustainable Design and Construction (2013)

### Relevant Planning History:

**Site Address:** 135-137 Golders Green Road London NW118HG  
**Application Number:** C16363A/06  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 09/06/2006  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Detached two-storey building in place of existing Block of 3 No. garages to form a two-bedroom house with provision of one car parking space at side.**

**Case Officer:** Kevin Waters

**Site Address:** 135 Golders Green Road London NW118HG  
**Application Number:** C16363/05  
**Application Type:** Full Application  
**Decision:** Withdrawn  
**Decision Date:** 21/09/2005  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Demolition of existing 3 garages and erection of a two-storey detached dwelling house.**

**Case Officer:** Kevin Waters

**Site Address:** 135 Golders Green Road, London, NW11 8HG  
**Application Number:** F/01415/13  
**Application Type:** Full Application  
**Decision:** Not yet decided  
**Decision Date:** Not yet decided  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Demolition of existing buildings and erection of a new 4 storey building comprising 8no. self-contained flats plus offices at basement level. Associated off-street car parking, refuse store, cycle storage and landscaping.**

**Case Officer:** James Stone

### Consultations and Views Expressed:

Neighbours Consulted: 90  
Replies: 5  
Neighbours Wishing To Speak 2

A petition with 32 signatures against the proposals was also received.

The objections raised may be summarised as follows:

- tenant not wanting to move out
- noise and dust
- parking stress

- increase in activity
- loss of amenity including light and privacy
- changing the entrance from Golders Green Road to Powys Garden will create noise
- introduction of commercial use

1 letter of support was received.

#### Internal /Other Consultations:

Traffic & Development – no objection

Date of Site Notice: 18 July 2013

## **2. PLANNING APPRAISAL**

#### Site Description and Surroundings:

The application site is a detached building located at the corner of Golders Green Road and Powys Gardens. It consists of 3 flats. This side of Golders Green Road is characterised by semi-detached dwellings used as family houses and flats. The opposite side is more commercial in nature. The site is on the edge of the town centre. There is an existing access point onto the site from the public highway.

#### Proposal:

The application seeks permission for the demolition of the building and construction of a detached building with 8 flats and 2 offices at basement level. The submission of the application follows the withdrawal of a previous larger scheme and extensive discussions with the applicant.

#### Planning Considerations:

The main issue in this case are considered to be covered under the following areas:

- The living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size, siting and design of the proposal.
- Impact on traffic, parking and vehicle movements.

#### Principle of development, character and appearance

The Government is committed to maximising the re-use of previously developed land and empty properties to minimise the amount of green field land being taken for development. One of the chief objectives of the NPPF is to provide sufficient housing for future needs, ensuring that as many of the new homes as possible are built on previously developed land. The NPPF advocates the adoption of a sequential approach to selecting sites for housing to ensure that green field sites are

used only when no appropriate sites exist inside urban areas. The sequential approach identifies previously developed sites within urban areas as being the most suitable for development.

The site is previously developed land and therefore is sequentially preferable for residential development. The provision of offices in town centres is encouraged by policy DM14.

Policy CS5 states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'. Policy DM01 requires that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The development standards set out in Policy DM02: Development Standards are regarded as key for Barnet to deliver the highest standards of urban design.

Furthermore, the Residential Design Guidance SPD advises that the design and layout of new development should be informed by the local pattern of development. The continuity of building lines, forecourt depths, road layout, space about the building and rear garden areas are all likely to be significant factors when redeveloping sites within existing residential areas,

The principle of demolition is considered acceptable. The property is not within a conservation area and is not of particular architectural merit to warrant its retention.  
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When assessed against the London Plan's density matrix, the scheme provides 200 units per hectare and 500 habitable rooms per hectare, in an area where 55-225 units per hectare and 200-700 habitable rooms per hectare would be acceptable. The scheme is therefore within the density range of the London Plan and as such there are no objections on the proposed density.

Council Policies state that new residential developments must harmonise with and respect the character of the area. The proposal has been designed in order to fit in within the streetscene by introducing gables and retained a roof of a domestic scale which would ensure that the building fits in within this part of Golders Green. The building lines would complement surrounding buildings. It is considered that the design of the proposed building would complement the design of neighbouring existing buildings and it would not have any adverse visual effect on the character of the locality or the street scene generally. The success of the building will depend on the quality of the materials to be used and the materials to be used in the construction of the dwelling will have a conditioned to this recommendation to ensure that the proposed materials are acceptable.

### Living conditions of neighbouring residents

In considering Policy DM01 of the Development Management Policies (Adopted) 2012, given the distance between the proposed buildings and neighbouring buildings, it is considered that the proposals would not detract from the amenities of adjoining occupiers in terms of the loss of light, outlook or privacy to an unacceptable level.

In addition to the requirements of Policy DM01 in respect of providing adequate daylight, sunlight, privacy and outlook for neighbouring properties, the Sustainable Construction and Design SPD (2013) states that the privacy of existing and future development should be protected and gardens and windows to habitable rooms should not be significantly overlooked. Furthermore the Residential Design Guidance SPD (2013) advises that 'Privacy is an important design issue and all residents should feel at ease within their home. Design can create privacy in a number of ways, including the careful positioning of buildings in relation to one another, internal layouts (positioning of windows and rooms requiring more privacy) and through screening and landscaping.'

The development would not be obtrusive and would preserve an adequate outlook for the neighbouring occupiers in accordance with adopted policies.

Privacy can be safeguarded by achieving window to window distances between buildings (both existing and proposed). In new residential development there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden.

Windows are proposed in the side elevation facing towards 137 Golders Green Road and the distances above are not met, however, the side windows are not habitable room windows and as such a condition requiring these to be obscure glazed has been suggested to overcome this concern.

It is considered that there is sufficient distance between the application site and 2 Powys Gardens to ensure that the proposal does not result in any demonstrable loss of amenity to the neighbouring residential occupiers.

### Living conditions of future occupiers

The minimum space standards for new development is laid out in table 3.3 of the London Plan 2011. The requirements for houses is set out below:

- 1 bedroom flat – 50m<sup>2</sup>
- 2 bedroom flat – 61m<sup>2</sup>

The flats comply with the minimum space standards. Table 2.3 of the Barnet's supplementary planning document sustainable design and construction (2012) indicates outdoor amenity space requirements. For flats of this type the standard is set at 5m<sup>2</sup> per habitable. The rear ground floor flat would have access to a private garden and the rest of the flats would either have balconies and/or access to 95m<sup>2</sup> of usable communal amenity space which is a provision which accords with policy.

### Impact on traffic, parking and vehicle movements.

2 parking spaces and 8 cycle parking spaces are proposed for the redevelopment of the site. The proposed 8 two bedroom units would require a provision of between 5 and 10.5 parking spaces to meet the parking standards as set out in the Development Management Policies of the Barnet Local Plan approved in 2012 and only 2 parking spaces are proposed.

Taking into consideration that

- The site is within a Town Centre location close to local amenities and public transport;
- And the site is within an All day Control Parking Zone (CPZ)

On balance the proposal is acceptable on highway grounds. However, highways officers' site observation indicated that there is significant amount of parking demand on roads in the vicinity of the development and therefore, the applicant is required to enter into a Section 106 Agreement to prevent occupants of the flats of the proposed development from purchasing resident's car parking permits. A contribution of £2000 is required towards a cost of amending a traffic order to prevent the residents occupying the proposed development from applying for parking permits.

The proposal is acceptable on highways grounds.

### Sustainability:

Sustainable development is a key priority of Central Government and the Council. Any new residential development in Barnet is expected to meet Code Level 3 of the Sustainable Homes – whilst the applicant has not indicated in the design and access statement that this will be achieved; a condition is recommended.

### The Community Infrastructure Levy Regulations 2010:

The Mayor for London has introduced a Community Infrastructure Levy. This applied from 1 April 2012 to most developments in London where the application is determined by the Local Planning Authority. Within Barnet the levy will be charged at a rate of £35 per square metre of net additional floorspace. The charge will be £8,816.50.

The Council has also introduced a Community Infrastructure Levy. This applies from 1 May 2013 to most residential and retail developments in the Borough where the application is determined by the Local Planning Authority. The levy will be charged at a rate of £135 per square metre of net additional floorspace. The charge will be £34,006.50.

## **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Planning matters are considered to have been covered in the above appraisal.

#### **4. EQUALITIES AND DIVERSITY ISSUES**

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

#### **5. CONCLUSION**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for **APPROVAL**.

**SITE LOCATION PLAN:** 135 Golders Green Road, London, NW11 8HG

**REFERENCE:** F/02844/13



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