

LOCATION: Site Of 39A, Flower Lane, London, NW7 2JN

REFERENCE: H/01485/14

Received: 18 March 2014

Accepted: 28 March 2014

WARD(S): Mill Hill

Expiry: 23 May 2014

Final Revisions:

APPLICANT: Ms Mulchandani

PROPOSAL: Erection of two detached three storey and basement dwellings.

RECOMMENDATION: Approve Subject to Conditions

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

Reason:

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 1000 P01B, 1000 P03C, 1000 P05C, 1000 P06C, 1000 P07C, 1000 P08C, 1000 P09C, 1000 P11A, 1000 P12A, A145_015_PL05 (Proposed External Lighting), WSP Lighting Report, Design and Access Statement, Arboricultural Report Ref. 018524, 1000 P02D and 1000 P04D

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).

- 3 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 visual amenities of the locality.

- 4 Before the development hereby permitted commences on site, details of all external lighting (to include the number, power, lux levels and controls) shall

be submitted and approved in writing by the Local Planning Authority. Any external lighting placed within the curtilage of the property hereafter shall be in accordance with these approved details and in accordance with plan no. A145_015_PL05 (Proposed External Lighting) and report "Environmental Appraisal of the lighting proposed at 39A and 39B Flower Lane" WSP - May 2012.

Reason: To ensure the proposal does not impact on the University of London Observatory."

- 5 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 work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.

- 6 Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

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.

- 7 Before the building hereby permitted is occupied the proposed window(s) in the first floor flank elevations facing 1 Oakl Lodge Way, 39a, 39b and 41 Flower Lane 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.

- 8 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, other than those expressly authorised by this permission, shall be placed at any time in the first and second floor flank and rear elevations facing 1 Oaklodge Way, 39a, 39b and 41 Flower Lane and the University of London Observatory without the prior specific permission of the Local Planning Authority.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties.

- 9 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

- 10 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. The landscaping scheme shall incorporate retention of existing trees and planting of additional coniferous trees along the boundary with the University of London Observatory.

Reason:

To ensure a satisfactory appearance to the development.

- 11 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.

- 12 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.

- 13 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.

- 14 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 GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D and E of Part 1 to Schedule 2 of that Order shall be carried out within the area of 39a and 39b Flower Lane hereby approved without the prior written permission of the local planning authority.

Reason:

To safeguard the amenities of neighbouring occupiers and the general locality.

- 16 Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties.

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.
- 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 £36.04 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 £32,868.48 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 £123,120 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.

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 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.

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

2. Residential Annexes or Extension

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

3. Self Build

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

Visit:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosu>

[bmit/cil](#) for further details on exemption and relief.

- 3 Refuse collection points should be located within 10 metres of the Public Highway, otherwise, unobstructed access needs to be provided to the refuse vehicle on the day of the collection. The development access needs to be designed and constructed to allow refuse vehicles to access the site. 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.
- 4 Any highway approval as part of the planning process for the alteration to the existing crossovers or new crossovers will be subject to detailed survey by the Crossover Team in Highways Group as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Highways Group, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.

1. MATERIAL CONSIDERATIONS

The National Planning Policy Framework 2012

The Mayor's London Plan: July 2011

Relevant Core Strategy (2012) Policies:

CS NPPF - National Planning Policy Framework - Presumption in Favour of Sustainable Development
CS5 - Protecting and Enhancing Barnet's character to create high quality places

Relevant Development Management (2012) Policies:

DM01 Protecting Barnet's character and amenity
DM02 Development standards
DM17 Travel impact and parking standards

Supplementary Planning Documents and Guidance

Sustainable Design and Construction (2013)
Residential Design Guidance (2013)
Planning Obligations (2013)

Mayor's CIL

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 £36.04 per sqm on all 'chargeable development' in Barnet.

Barnet CIL

Barnet's Community Infrastructure Levy was approved at Full Council on 16 April 2013. Adoption of the Barnet CIL Charging Schedule is the 1st May 2013. All planning applications decided on or after that date will be subject to the charge at a rate of £135 per sqm on all 'chargeable development' in Barnet.

Relevant Planning History:

Application:	Planning	Number:	H/00133/12
Validated:	01/02/2012	Type:	APF
Status:	DEC	Date:	20/06/2012
Summary:	APC	Case Officer:	Emily Benedek
Description:	Erection of two detached three storey dwelling houses with garages following demolition of two existing bungalows and garages.		

Application:	Planning	Number:	H/06020/13
Validated:	15/01/2014	Type:	S96A
Status:	DEC	Date:	05/02/2014
Summary:	APC	Case Officer:	Emily Benedek
Description:	Non-material amendment to planning permission H/00133/12 dated 12/06/2012. Amendments include alterations to window size/location and change of external facing material to brick.		

Consultations and Views Expressed:

Neighbours Consulted: 7

Replies: 5

Neighbours Wishing To Speak: 1

Summary of responses:

- Concern that there is the potential for light pollution to impact adversely on the operations of the adjoining London Observatory
- Concern regarding the potential for subsidence from piling on the site
- Concern that the proposal would impact adversely on the neighbouring residents at 1 Oaklodge Way to gain access to light and minimise the enjoyment of their garden

- Concern that trees on the boundary of the site may be removed as this would result in overlooking, reduced security and an increase in noise from the adjoining A41
- Concerns regarding the potential for a lack of access to the site by emergency services
- Concerns regarding the lack of submitted information in relation to foul sewage
- Concerns regarding the potential for flooding
- Concerns relating to the impact on the public right of way
- Concern regarding the impact of the proposal on access to the adjoining garage
- Concerns regarding levels and details of walls on the front of the site

Internal /Other Consultations:

- Traffic & Development – Raised no objections to the previously approved application
- Street Lighting Engineer - Raised no objections to the previously approved application subject to the inclusion of conditions

2. PLANNING APPRAISAL

The application was deferred from the July meeting of the Sub-Committee to allow officers to seek further clarification concerning the retaining wall, access and manoeuvrability and emergency vehicle access.

Site Description and Surroundings:

The application site relates to a pair of back land semi-detached bungalows located on the east side of Flower Lane which is predominantly residential in character. The site is accessed via an existing access between Nos 39 and 43 Flower Lane. Located east of the site is the University of London Observatory, to the south is the Flower Lane resource centre and a pair of detached 2 storey dwellings are located to the north.

Proposal:

The application is a resubmission of a previously approved proposal for the erection of two three storey detached residential dwellings following the

demolition of two existing bungalows and garages (H/00133/12). The application differs to the previously approved scheme as the proposed dwellings would feature basements. The dimensions of the properties above ground would remain unaltered.

The proposed dwellings will measure approximately 14 metres in depth, 8.8 metres in width and 10 metres in height with a gabled roof. Both properties will benefit from private garden amenity space.

The application was previously deferred at committee on 28 July 2014 as there was an anomaly on the submitted plans which indicated different positions of a wall that would be located on the front of the site. There were also concerns raised with regards to the potential for emergency vehicles to access the site and for the adjoining garage owner to access their garage due to the siting of the wall. The applicant has submitted a revised plan (drawing 1000 P04C) which indicates the manoeuvrability of the site for emergency services. They have also submitted CGI images to demonstrate the height of the proposed wall, which would measure approximately 0.6 metres tall and would be positioned to ensure that there is sufficient access for the adjoining garage owner to access their garage. With regards to emergency vehicle access, this is a matter that will be considered under the Building Regulations. However, planning officers have discussed the matter with the Fire Service. In situations where the access road is too narrow for fire engine access (which appears to be the case along certain parts of this access) alternative provision will be required to meet the Building Regulations. This can be through provision of a separate fire hydrant or use of a domestic sprinkler system.

Planning Considerations:

The main considerations are:

- The impact on the character and appearance of the property and surrounding area
- The impact on the amenity of neighbouring properties
- The impact on highway safety and providing a sufficient parking allocation
- Other material planning considerations

The impact on the character and appearance of the property and surrounding area

The 2012 National Planning Policy Framework states that *“the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*. In addition to the NPPF, Policy CS5 of the Core Strategy states that the Council *“will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design”*. In addition to this, Policy DM01 of the Council’s Development

Management Policies 2012 states that *“development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets... development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused”*.

The area surrounding the application site characteristically features a mixture of two storey, semi – detached and detached residential dwellings. Nos 39a and 39b Flower Lane are a pair of semi-detached bungalows that are not visible from Flower Lane. The neighbouring backland properties in Oak Lodge Way (two storey) and 41 Flower Lane (Flower Lane Resource Centre) comprise a mix of styles and there is no predominant building style which characterises the immediate area.

The current application is largely similar to a previously approved scheme for two detached dwellinghouses on the site (H/00133/12). The only difference between the two schemes is that the proposed dwellings in the current application would feature basements.

The proposed dwellings would feature gable fronted roofs to their front and rear elevations. The new dwellings respect the existing eaves and ridge height of the neighbouring property at Oak Lodge Way. The proposed dwellings are considered to relate satisfactorily to the immediately adjacent buildings and the development is considered to sit comfortably within the existing surroundings. The proposed dwellings are therefore considered to sufficiently maintain the character and appearance of the property and surrounding area.

The impact on the amenity of neighbouring properties

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

The proposed dwelling nearest to 1 Oak Lodge Way respects the existing front building line of that property and will only project approximately 1.5 metres beyond the existing rear building line at a distance of approximately 3m from the flank elevation. Conditions have been recommended to obscure glaze the windows on the first floor flank elevations of both properties and restrict the insertion of further windows without prior consent from the Local Planning Authority. The proposed balconies on the rear elevations are recessed to ensure that they do not result in any overlooking to the occupiers of the neighbouring properties and the balconies to the front are located more than 21 metres from the end of the rear gardens of Nos 37 and 39 Flower Lane. Given all of the above it is considered that the proposal would not impact adversely on the amenity of adjoining residents to an extent that would warrant the refusal of the application on these grounds.

In terms of the impact of the proposed dwellings on the operation of University of London Observatory, the observatory raised concerns to the previously approved development on the basis that the observatory is involved in long term research observations of extra-solar planets, which requires brightness changes of the order of 1 to 2% in the host stars to be monitored on a regular basis. Diffuse and scattered background light from the 2 houses particularly the upper floors and roof skylight style windows may reasonably be expected to swamp the subtle variations in brightness and raise the existing threshold of the local sky background to a level which will inhibit effective observation.

As the property falls within direct sight of the University of London Observatory, the concerns raised by the organisation were taken very seriously and resulted in several changes to the previously approved scheme. The current application reflects these changes. The applicant has submitted a supporting statement which states "regarding the lighting report, it is evident from the report already submitted that the basement will have no impact in terms light nuisance. Paragraph 5.1.5 of the existing report states that "The top of the ground floor windows will be approximately 1.5m below the ground level of the observatory and therefore can be discounted as having potential to cause a direct source of light nuisance to the observatory". Given that the top of the basement windows are approximately 4.5m below the ground level of the observatory, it is self evident that these too can be discounted as having potential to cause light nuisance". Based on these considerations, it is considered that subject to conditions, the amount of light from the development is unlikely to be greater than that from other buildings in the vicinity and will not impact adversely on the Observatory.

The impact on highway safety and providing a sufficient parking allocation

No changes are proposed to the existing access route in order to gain vehicular, pedestrian, cycle access to the site. As the access is existing and currently services the two existing bungalows, the Council's Highways officers have raised no objection to its width or vehicle manoeuvrability. Concerns have been raised by respondents in relation to the access of the site to emergency services. It is considered that the removal of the garages in the front forecourt provides greater turning space for emergency vehicles should they need to access the site. The developer will need to provide details on fire vehicle access as part of any Building Regulations application. Given that no changes are proposed to the access route or the number of dwellings in this location, it is not considered that the proposal will have a detrimental impact on pedestrian or highway safety.

The application site has a PTAL rating of 3 and would provide access to 2 car parking spaces for each of the properties. This is considered sufficient to comply with council parking standards.

Other material planning considerations

With regards to refuse, the proposed arrangements will remain as the existing set up. The existing residents of Nos 39a and 39b are required to bring their refuse to the edge of the public highway (between Nos 39 and 41) on refuse collection days and as the refuse vehicles do not currently access the dwellings it is not proposed that they will do so in the future either.

3. COMMENTS ON GROUNDS OF OBJECTIONS

- It is proposed that all existing trees will remain on site.
- Conditions to deal with the potential light overspill onto the London Observatory will be included in the event that the application is approved
- Subsidence is not a consideration in the determination of a planning application
- Sewage is considered through the building regulations and not in the determination of a planning application
- A condition has been proposed relating to levels, although there is no evidence to suggest that the proposal will give rise to increased flooding in the area. The area is not one identified by the Environment Agency as at risk of flooding.
- Impact on private rights of way is not a material planning consideration.
- The remaining concerns raised have been addressed in the considerations above.

4. EQUALITIES AND DIVERSITY ISSUES

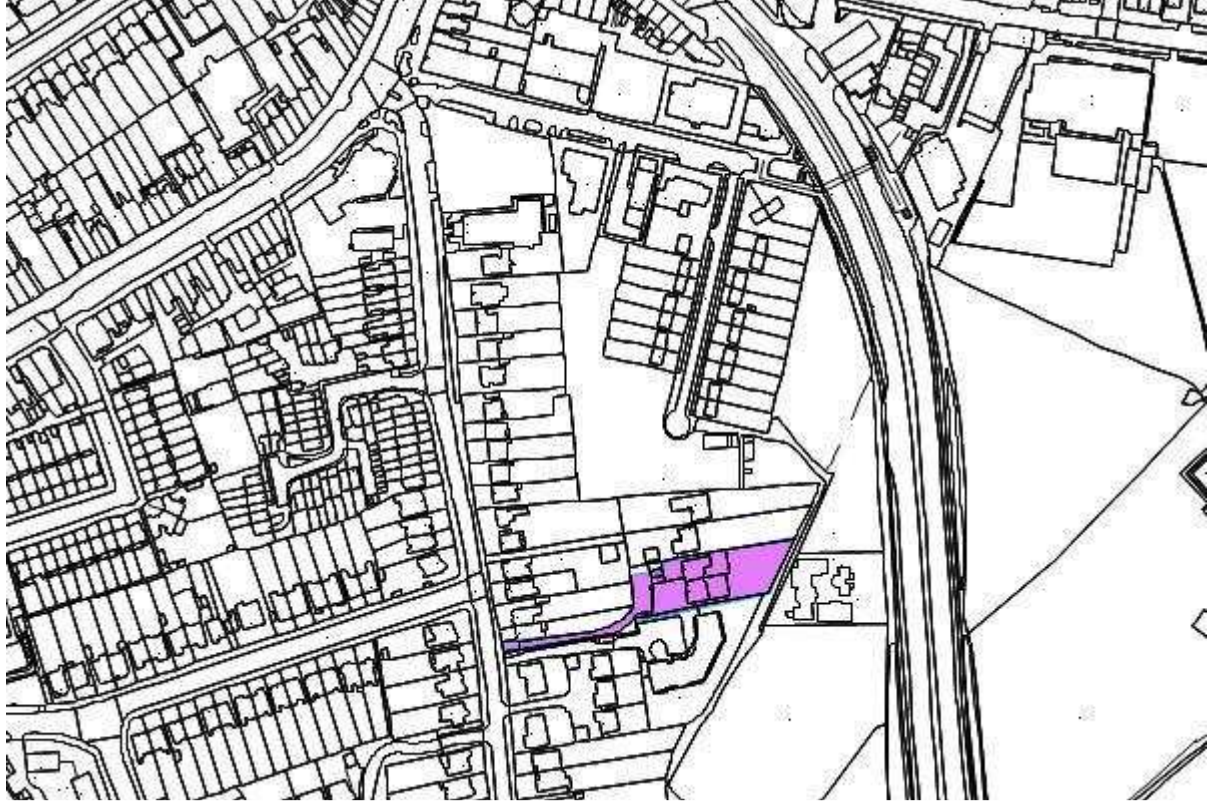
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

Approval subject to conditions

SITE LOCATION PLAN: Site Of 39A, Flower Lane, London, NW7 2JN

REFERENCE: H/01485/14



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2013. All rights reserved. Ordnance Survey Licence number LA100017674.