

Location **135 Golders Green Road London NW11 8HG**

Reference: **14/07216/S73**

Received: Graham Robinson
Accepted: 11th November 2014

Ward: Childs Hill

Expiry 6th January 2015

Applicant: Mr Steven Bodner

Proposal: Variation of condition 1 (Approved Plans) pursuant to planning permission F/02844/13 dated 17/12/2013 for "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". Amendments to include incorporation of additional office space to basement level

Recommendation: Approve subject to Deed of Variation

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 Deed of Variation to legal agreement for planning application reference F/02844/13.

Recommendation II

That upon completion of the agreement the Assistant Director of Development Management & Building Control approve the planning application reference: 14/07216/S73 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, 135GGR-PP3-06, 135GGR-PP3-07, 135GGR-PP3-08.

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 In accordance with paragraphs 186 and 187 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 a 1,750 payment under Mayoral 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 7294.

Recommendation III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 08/03/2015, unless otherwise agreed in writing, the Assistant 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 amending the traffic order. In the absence of this, the development would be harmful to highway and pedestrian safety. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Adopted Barnet Development Management Policies 2012 and the Planning Obligations SPD (adopted April 2013).

Officer's Assessment

1. Site Description

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.

2. Site History

H/002844/13 - 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. - Approved 17/12/2013.

3. Proposal

The proposal is for the variation of condition 1 (Approved Plans) pursuant to planning permission F/02844/13 dated 17/12/2013 for "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". Amendments to include incorporation of additional office space to basement level

The proposals essentially involve the provision of 50 square metres additional office space at basement level.

4. Public Consultation

91 consultation letters were sent to neighbouring properties.
5 responses have been received, comprising 5 letters of objection.

The objections received can be summarised as follows:

- Loss of privacy
- Loss of light
- Entrance on Powis Gardens will cause noise and disturbance
- Increased parking in the area will disrupt flow of traffic
- Property is badly maintained, garages are full of rubbish and there are rats
- Introduction of commercial use will change the character of the area

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was 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 July 2011

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

Sustainable Design and Construction SPD (adopted April 2013)

- 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 proposed amendment would be acceptable with regard to the provision of additional office space in this location

Whether the proposals would harm neighbouring amenity

Whether the proposals would harm the character and appearance of the streetscene and general locality.

Whether the proposals would harm highway and pedestrian safety

5.3 Assessment of proposals

The proposals follow a previous approval granted for '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.'. The only change to these previously approved proposals is an increase of 50 square metres office space at basement level.

Whether the proposed amendment would be acceptable with regard to the provision of additional office space in this location

The proposals would provide an additional 50 square metres of office space, a total of approximately 193 square metres, and an increase of 34%.

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.'

It is noted that the site is located immediately outside Golders Green Town Centre and is therefore an edge of centre site. The preamble to policy DM14 states that retail uses of over 200 square metres will require a sequential assessment, and whilst there is no specific standard for office use, this is considered comparable. The proposals would fall below this and this is not considered to be warranted given the size of the office.

Whether the proposals would harm neighbouring amenity

The proposals would provide an additional 50 square metre office unit. This activity would be confined principally to the building itself. It is not considered that the proposals would result in harmful increase in terms of noise and disturbance to neighbouring residents. The use would be subject to the same conditions in relation to ventilation/extract details as the original grant of permission.

Whether the proposals would harm the character and appearance of the streetscene and general locality.

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 condition to this recommendation to ensure that the proposed materials are acceptable.

The visual manifestation of the basement would be the same as the previously approved scheme. It is not considered that the proposals would harm the character and appearance of the streetscene and general locality.

Whether the proposals would harm highway and pedestrian safety

The proposals are for an additional third office unit in addition to the development approved under reference F/02844/13 for the provision of 8 residential units comprising 5 x 2bedroom flats and 1 x 1bedroom flat and 2x studio flats and commercial space for 2 offices. Two car parking spaces were provided.

An additional 3rd office is proposed as part of the application above.

Considering that:

- o The proposal is for conversion
- o The site is within walking distance of a Town Centre, local amenities and public transport
- o And the site is within a Control Parking Zone (CPZ)

The proposals would necessitate a deed of variation to the originally approved scheme for the legal agreement in relation to an amendment to a traffic order to prevent residents from obtaining parking permits.

It is considered that the office use 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.

5.4 Response to Public Consultation

- Loss of privacy - The proposed basement extension would not result in any additional overlooking.
- Loss of light - The proposed basement extension would not result in any additional loss of light as the only extension to the approved scheme is a basement extension.
- Entrance on Powis Gardens will cause noise and disturbance - The entrance was a feature of the previously approved scheme. The additional office will not cause a materially increased amount of noise and disturbance.
- Increased parking in the area will disrupt flow of traffic - Addressed in main report
- Property is badly maintained, garages are full of rubbish and there are rats - These are environmental health matters and not planning consideration.
- Introduction of commercial use will change the character of the area - The principle of the use was established under the previous grant of permission. It is not considered that the further office extension would harm the character of the 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

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.



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