

**Location**                               **13-15 Station Road, London, N3 2SB**

**Reference:**                           **F/04596/14**                               Received: 21st August 2014  
Accepted: 23rd January 2015

Ward:                                       Finchley Church End                       Expiry 20th March 2015

Applicant:

Proposal:                               The demolition of existing building and construction of a new three storey building comprising 215 sqm of B1(a) office space and 8No new self-contained flats amending the development approved by the Council on 17th August 2011 (LPA ref: F/01292/11) and since lawfully implemented

**Recommendation:** Approve subject to s106

### **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 Assistant Director of Development Management and Building Control approve the planning application under delegated powers subject to the following conditions:

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans: 14/823/P02 B, 14/823/Sur01, 14/823/Sur02, 14/823/Sur03, 14/823/Sur04, 14/823/Sur05, 14/823/Sur06, 14/823/05A, 14/823/01A, 14/823/06B, 14/823/03B, 14/823/04B, 14/823/09C, Site Location Plan, Design and Access Statement.

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

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

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

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

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

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

6 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft

landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2011.

7 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic noise has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure the amenities of occupiers are not prejudiced by traffic noise in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013), and 7.15 of The London Plan 2011.

8 Before the building hereby permitted is first occupied the proposed window(s) in the flank elevations facing 11 and 17 Station Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

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

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

10 a) The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (November 2010) (or such national measure of sustainability for house design that replaces that scheme) and achieve full Lifetime Homes credits.

b) No dwelling shall be first occupied until evidence that the Lifetime Homes credits have been achieved and 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 Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.2 and 5.3 of the London Plan (2011).

11 a) Before the development hereby permitted is first occupied, details of the subdivision of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

13 The designated part of the ground floor of the premises shown on plan 14/00823/P01A shall be used for offices and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

14 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.

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

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

### **RECOMMENDATION III:**

#### RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 24/04/2015, unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control REFUSE the application reference F/04596/14 under delegated powers for the following reason(s):

In the absence of a legal agreement to amend the traffic order to prevent residents from obtaining parking permits, the proposals would have a detrimental impact on highway and pedestrian safety. The proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 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 and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](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 £\_\_ payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £\_\_ payment under Barnet CIL.

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

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

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

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

may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: [cil@barnet.gov.uk](mailto: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](http://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](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](http://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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 7294.



## **Officer's Assessment**

### **1. Site Description**

The application site occupies 13-15 Station Road and is situated opposite Finchley Central tube station. The site falls within the secondary retail frontage of Finchley Church End. The site is currently occupied by an accountancy firm on all three levels with A2 use class. There are large outbuildings occupying both rear gardens.

### **2. Site History**

13 Station Road

C05127D - Single storey building to rear for storage purposes - Approved - 19/05/1993

C05127E - use of second floor as offices (Class B1). - Approved - 22/12/1994

15 Station Road

C05559D/99 - Single storey rear extension to accountants offices. - Approved - 20/12/1999

C05559E/00 - Detached storage building at rear. - Approved - 15/08/2000

13 & 15 Station Road

F/01292/11 - Demolition of existing buildings and construction of a three storey building comprising of offices at ground floor and 6no. self-contained flats at first and second floors. - Approved - 17/08/2011

F/04666/13 - Change of use from B1 (office space) to C3 (residential flats) 10 units.- Prior Approval Required and Approved - 10/12/2013

### **3. Proposal**

The proposals are for the demolition of existing building and construction of a new three storey building comprising 215 sqm of B1(a) office space and 8No new self-contained flats amending the development approved by the Council on 17th August 2011 (LPA ref: F/01292/11) and since lawfully implemented.

The proposals follow the grant of permission under reference F/01292/11 for the demolition of existing buildings and construction of a three storey building comprising of offices at ground floor and 6no. self-contained flats at first and second floors. The current proposals differ from these in that they include a smaller amount of office floor space 215 sq m as opposed to 350 sq m, and the development is for 8 flats rather than 6 flats.

The building would differ in terms of having front dormer windows within the roofslope and re-arrangement of approved dormers to the rear of the building, essentially so that the two approved dormers are separated into four.

### **4. Public Consultation**

Consultation letters were sent to 109 neighbouring properties.

5 responses have been received, comprising 5 letters of objection

The objections received can be summarised as follows:

- The existing building at the back being the ground floor office storage space; the proposed 3 floors development is too close to the boundary; the position of the doors, windows and the balcony directly overlooking my garden.

- If the proposed development is approved, it will result the loss of our privacy and quite enjoyment of our garden. The doors / windows have to be repositioned and fitted with obscured glass.

- Council has the responsibilities to protect our right to peaceful enjoyment of our property.

- Human Rights Act Protocol 1, Article 1. This states that a person has the right to peaceful enjoyment of all their possessions, which includes the home and other land.

- Also Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life. In the case of Britton vs SOS the courts reappraised the purpose of the law and concluded that the protection of the countryside falls within the interests of Article 8. Private and family life therefore encompasses not only the home but also the surroundings.

- With 8 new flats, inevitably there would be more cars, station Road and surrounding roads at the best of time is very difficult to find a parking space. The development will only bring in more cars and congestion to the area. The proposed development provides no parking space at all! More detrimental to the air quality bearing in mind that Station Road is quite busy at it is with cars picking and dropping off commuters at Finchley Central station, builder depot nearby with trucks and vans and also served as secondary road to and fro to Manor View, Squire Lane and East End Road. The development will only bring more traffic chaos to the surroundings area.

- I am concerned that increasing the number of flats on Station Road will further exacerbate parking problems on the road. 8 flats could result in an extra 8 or more vehicles requiring parking space. There is no provision within the plans for accommodating any off street parking.

While the road currently is part of the Church End CPZ, parking continues to be a problem on the road at all times of day, due to the number of flats, and also number of commuters from inside the CPZ. I would strongly urge the council, if granting permission for additional flats to be built on the road, to amend the CPZ to prevent commuter parking from within the current CPZ, to extend the hours of the CPZ and find a way of restricting evening and weekend parking to ensure space is available for residents.

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

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

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

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

#### The Mayor's London Plan 2015

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, DM04, DM08, DM14, DM17

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

Policy DM14 states that 'loss of a B Class use will only be permitted where it can be demonstrated to the council's satisfaction that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of effective marketing has been undertaken. Where this can be demonstrated the priority for re-use will be a mixture of small business units with residential use.'

#### 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 considerations in the case are:

Principle of development and loss of employment use  
Impact on neighbouring and future amenity  
Impact on the character of the area  
Highways Issues

### **5.3 Assessment of proposals**

Principle of development and loss of employment use

Policy DM14 states that 'loss of a B Class use will only be permitted where it can be demonstrated to the council's satisfaction that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of effective marketing has been undertaken. Where this can be demonstrated the priority for re-use will be a mixture of small business units with residential use.'

The preamble to the policy states that effective marketing is where a site has been continuously actively marketed both for sale and rent for a period of 12 months at an appropriate price which can be agreed in advance with the council (at pre-application if appropriate) for re-use or redevelopment for employment use and no interest has been expressed.

The Local Planning Authority would expect to see:  
Details of property including accommodation and areas  
Last occupier including rent being paid  
Marketing leaflet / brochure  
The rent and other terms being asked  
Comparable sales and lettings  
List of people mailed / contacted and their responses  
Any offers made or discussed

It is noted that a prior approval has been granted to convert the entire building to ten residential units. The applicant has started demolition work in terms of demolishing outbuildings to the rear of the property.

It is noted that there are two existing consents, the previous approval under reference F/01292/11 for conversion to 6 flats and a prior approval to convert the entire property to ten flats.

This as a 'fall back' position could be a material consideration and will need to be given weight when considering whether the proposed loss of office space is acceptable. Works are underway on site however it is not clear which consent is being implemented.

The applicant has provided a Marketing Report by Martyn Gerard. The applicant advises that small units are more attractive for small and medium enterprises and they are confident there would be interest for this sort of use. The Council's valuers have looked at the report by Martyn Gerard. They are of the opinion that the marketing report generally appears to be reasonable and properly researched, and they do not disagree with its contentions about market rents and conditions.

The site is located in an urban area and is located in an area of PTAL rating 5. The London Plan advises that development should be at 70-260 units/hectare. At a density of

138 units/hectare the proposals would appear to comply with density standards in the Mayor's London plan.

It is therefore considered that the reduction in office space above that previously approved is considered acceptable.

#### Impact on neighbouring and future amenity

Approval has previously been granted for mixed use development comprising 6 flats and 350 sq m office space. It is not considered that a development of 8 flats and 215 sq m would cause harmful noise and disturbance to neighbouring occupiers in comparison. The footprint of the building is essentially the same as previously approved and as a result it is not considered that it would result in harmful loss of light or outlook. The proposed ground floor part of the building would be lower than previously approved by approximately 0.4m.

The proposals involve the replacement of the rear of the ground floor office units with two residential units at ground floor.

It is noted that the outlook from bedroom 1 from the ground floor flats would be partly obscured by the walls of neighbouring buildings to either side.

Ultimately it is not considered that this is harmful enough to warrant refusal of the scheme given that the majority of rooms for each flat have adequate outlook and light.

The ground floor units would have access to private rear amenity areas with a further 70 square metre garden to the rear of this. This would comply with the requirements of the Supplementary Planning Document on Sustainable Design and Construction.

Refuse storage would be to the front of the site within an internal area and this is considered acceptable.

It is not considered that the impact on the amenities of neighbouring and future occupiers would be harmful.

The applicant has amended the plans so that they would comply with London Plan standards.

#### Impact on the character of the area

The proposals are essentially the same externally as previously approved under reference F/01292/11. The differences are the addition of front dormers, rearrangement of rear dormer windows, lowering of rear ground floor element and use of rear yard as garden.

The addition of front dormer windows is considered acceptable given the presence of existing front dormers and the variety of buildings within the streetscene. It is considered that the building would fit within the aesthetic of buildings on Station Road and would not appear out of scale, or unduly dominating within the area.

The alterations to the rear of the property in conjunction with the use of the ground floor as residential units is considered acceptable in terms of the impact on the appearance of the area.

#### Highways Issues

No parking is available for the existing use and no new parking is proposed.

Taking into consideration the following factors:

- o The site is located in an area with a PTAL score of 5.
- o The site is close to Town Centre and close to local amenities and public transport.
- o The site is within a Control Parking Zone.
- o The applicant has stated in their Design and Access statement that the development is to be a car free development and he would be willing to enter into a S106/Unilateral Agreement to exempt the future occupiers of the new development from obtaining resident's parking permits for the Control Parking Zone (CPZ).

Therefore, on balance, the proposal is acceptable on highways grounds subject to a S106/Unilateral agreement to prevent the occupants of the new development from purchasing parking permits. A contribution of £2000 will be required to implement the alteration to the Traffic Order for the CPZ.

#### **5.4 Response to Public Consultation**

The proposed building would only be closer than that previously approved at ground floor level and it is not considered that this would result in harmful overlooking.

It is not considered that the proposals would harm the amenities of neighbouring occupiers.

It is not considered that the proposals would be contrary to the Human Rights Act Protocol 1, Article 1 or 8 in terms of ensuring that neighbouring residents are able to enjoy their property.

The permission would be subject to a legal agreement to restrict residents from applying for residents car parking permits.

#### **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.

