

**Location**                      **Jacobs Ltd Dersingham Road Garage Dersingham Road London NW2 1SP**

**Reference:**                      **15/02053/FUL**                      Received: 31st March 2015

Accepted: 31st March 2015

Ward:                                  Childs Hill                                  Expiry 26th May 2015

Applicant:                          Mr Spencer Davis

Proposal:                              Erection of a three-storey detached building comprising of 57.2sqm of class D1 (Medical Unit) at ground floor level and 7no. self-contained flats with basement parking, associated landscaping and amenity space, storage areas, cycle and refuse storage following demolition of existing buildings

**Recommendation:** Approve subject to conditions

- 1      The development hereby permitted shall be carried out in accordance with the following approved plans: DSHRD-L000; DSHRD-L001; DSHRD-E001; DSHRD-E002; DSHRD-E003; DSHRD-E004; DSHRD-P001; DSHRD-P002; DSHRD-E101 RevB; DSHRD-E102 RevB; DSHRD-E103 RevB; DSHRD-E104 RevB; DSHRD-E105 RevB; DSHRD-P101 RevB; DSHRD-P102 RevC; DSHRD-P103 RevB; DSHRD-P104 RevB; DSHRD-P105 RevB; DSHRD-P106 RevB; DSHRD-S101 RevB;                                  DSHRD-S102                                  RevB.

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 The property shall be used as self-contained units as shown in the hereby approved drawings under Class C3(a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

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

- 6 Prior to occupation of the development details of a warning system giving preference to vehicles entering the site via the proposed basement ramp hereby approved shall 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 ensure the safe form of access to the development and to conform to London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

- 8 Prior to occupation the approved development shall make provision for cycle parking and cycle storage facilities in accordance with a scheme that shall be

submitted to and approved by the Local Planning Authority. Such spaces shall be permanently retained thereafter.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 9 Before the development hereby permitted commences details of the Electric Vehicle Charging Points with 20% active and 20% passive shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the Electric Vehicular Charging provision is in accordance with the London Plan requirements.

- 10 a) No development or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.

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

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.21 of the London Plan (2011).

- 11 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 40% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason:

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

- 12 Prior to the first occupation of the new dwellinghouses (Use Class C3) hereby approved they shall all have been constructed to meet and achieve all the relevant criteria of 'The Lifetime Homes' standard (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason:

To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8 and 7.2 of the London Plan (2015) and policy DM02 of the Barnet Development Management Policies document (2012).

- 13 Prior to the first occupation of the new dwellinghouses (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures so that mains water consumption would meet a standard of 105 litres per head per day or less. The development shall be maintained as such in perpetuity thereafter.

Reason:

To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy 5.15 of the London Plan (2015).

- 14 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2011.

- 15 The level of noise emitted from the site plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2011.

- 16 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2011.

- 17 a) No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the D1 use; as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2011.

- 18 Before the use commences, a report should be carried out by an approved acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely noise impacts from the development with regards to its use as a D1 use. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.

It should include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and recommendations. The approved measures shall be implemented in their entirety before (any of the units are occupied/ the use commences).

Reason: To ensure that the amenities of neighbouring premises are protected from noise from the development.

- 19 No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 8 am or after 7 p.m. on any other day.

Reason: To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day.

- 20 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.

- 21 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).

- 22 The D1 use hereby permitted shall not be open to members of the public before 8am or after 6pm on weekdays and Saturdays or before 10am or after 4pm on Sundays and Bank and Public Holidays.

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

- 23 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).

- 24 a) No development other than demolition works shall take place until details of the proposed green roof/ landscaping over basement level have been submitted to and approved in writing by the Local Planning Authority.

b) The green roof shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2011.

25 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).

26 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).

27 The applicant should submit a scheme showing details of the proposed access layout for approval, including layout and ramp gradient details for access to car parks car parking area. The detailed layout must include a waiting bay within the site on both approaches to the ramp.

Reason: To ensure the safe form of access to the development to conform to 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.

28 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing Caddington 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).

- 29 The premises shall be used for a medical surgery and no other purpose (including any other purpose in Class D1 of the Schedule of 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.

#### **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 £21525.00 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 £83025.00 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.

- 4 The applicant must submit an application under Section 184 of the Highways Act (1980) for the proposed new vehicular access and alterations to the existing vehicular access. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, including reinstatement of redundant vehicle accesses, will be borne by the applicant. The applicant is advised that Transport for London will be consulted regarding the impact on the bus stop in the vicinity of the proposed vehicle access.

To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section - Environment, Planning and Regeneration Directorate, London Borough of Barnet, North London Business Park (NLBP) Building 4, Oakleigh Road South, London N11 1NP

- 5 Any details submitted in respect of the Demolition and Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.

- 6 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 30dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:1997 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

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

For developments that require an Air Quality report; the report should have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network. The report should be written in accordance with the following guidance: 1) Environmental Protection UK Guidance: Development Control: Planning for Air Quality (2010); 2) Environment Act 1995 Air Quality

Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(09); 4) London Councils Air Quality and Planning Guidance (2007).

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

- 8 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
  - 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
  - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
  - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
  - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
  - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
  - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.
- 9 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.
- 10 the applicant is encouraged to develop a voluntary travel plan and /or promote more sustainable forms of travel in order to demonstrate commitment to the benefits of reducing vehicle use and increasing walking, cycling and public transport use. Further advice can be provided by the Council's Travel Plan Coordinator via [abetterwaytowork@barnet.gov.uk](mailto:abetterwaytowork@barnet.gov.uk).
- 11 The applicant is advised that for construction works adjacent or affecting the public highways, the Highways Authority should be contacted for any necessary Highways Licenses or any highway approvals deemed necessary.
- 12 If the development is carried out it will be necessary for any existing redundant vehicular crossover(s) to be reinstated to footway level by the Highway Authority at the applicant's expense.

## **Officer's Assessment**

The application was called in to committee by Councillor Jack Cohen due to concerns relating to contamination risk as a result of the previous uses of the site and the potential construction clash with the nearby school.

### **1. Site Description**

Dersingham Road Garage is located on the west side of Dersingham Road between the junctions with Cricklewood Lane and Caddington Road.

The site consists of an old petrol filling station with a covered forecourt. Around the edges of the site are a number of single and two storey buildings that accommodate workshops and office facilities. The site is currently used for the service/maintenance and repair of 'black cabs'.

To the south of the site is a small parade of shops with flats above. To the west of the site is Manor Court a complex of flats which is accessed off Douglas Mews.

Dersingham Road is predominately residential with two storey terraced and semi-detached dwellings. The site lies opposite Childs Hill primary school. Cricklewood Lane is of a mixed character comprising commercial units and residential flatted development.

### **2. Site History**

Application:

Planning Number: C/00839/F/00

Validated: 17/04/2000

Type: APF

Status: WDN

Date: 18/03/2002

Summary: WIT

Description: Single storey front and side extension to existing service bay.

Application:

Planning Number: C/00839/H/06

Validated: 15/03/2006

Type: APF

Status: DEC

Date: 09/08/2006

Summary: REF

Case Officer: Laura Knight

Description: Demolition of existing building. Erection of three-storey building comprising of a surgery (Class D1) at ground floor level and 9 No. self-contained flats at ground, first and second floor levels. Basement parking and communal garden at roof level.

Reasons for refusal:

The proposed development would result in the loss of employment land with inadequate re-provision, contrary to policy EMP2 of the Adopted Barnet Unitary Development Plan (2006).

The proposed development by reason of its design and siting provides inappropriate amenity areas to the detriment of the future occupiers and area in general contrary to policies GBEEnv2, D1, D2, D4, D5 and H18 of the Adopted Barnet Unitary Development Plan (2006).

Application:

Planning Number: C/00839/J/07

Validated: 01/05/2007

Type: APF

Status: DEC

Date: 06/08/2007

Summary: REF

Case Officer: Laura Knight

Description: New metal sliding gates to front of property.

### **3. Proposal**

The application relates to the erection of a three-storey detached building comprising of 57.2sqm of class D1 (Medical Unit) at ground floor level and 7no. self-contained flats with basement parking, associated landscaping and amenity space, storage areas, cycle and refuse storage following demolition of existing buildings.

### **4. Public Consultation**

Consultation letters were sent to 102 neighbouring properties.

6 responses have been received, comprising 4 letters of objection, 1 letter of support and 1 letter of comment.

The objections received can be summarised as follows:

- No notification of the application.
- Another medical practice within 400m of site.
- Other practices also within short distance.
- Vacancies at other surgeries.
- Negative impact on local businesses.
- Loss of employment as the site currently provides jobs for mechanics and black cab drivers.
- No information on need for a new practice and what time of practice.
- Site was once a petrol station and likely to have contamination issues. Site has to be dealt with carefully due to contamination risk.
- Works will disrupt road particularly HGVS in close proximity to the school.
- Increased traffic
- Noise and disturbance.
- Safety concerns as increased number of vehicle movements particularly during school drop off and pick up times.
  - Further, traffic entering and exiting the underground car park will be sandwiched between the very near junction of Cricklewood Lane and a zebra crossing which would make for an increased danger to all using the road. This would be accompanied by the inevitable increase in noise from traffic and increased pedestrian use.
- Not enough parking for residential units and business use.
- Building will be set forward of existing building line closer to pavement.
- Overlooking and loss of privacy from windows in the side elevation.
- Loss of light and overshadowing.

The representations received can be summarised as follows:

- Require clarification on the type of medical centre

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

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

#### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, SC10, SC15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM13, DM14, DM17.

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

#### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)



- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.  
Residential Design Guidance SPD (adopted April 2013)

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the principle of the loss of the existing use is acceptable.
- Whether the principle of the proposed use is acceptable.
- Highways and traffic
- Environmental considerations.
- Amenity of future occupiers

## **5.3 Assessment of proposals**

### Loss of existing use

The proposal will result in the loss of commercial space. Policies CS8 and DM14 of the Councils adopted Local Plan resist the loss of commercial units. The loss of units 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 (normally a minimum of 18 months). Evidence would need to be submitted with any application to satisfactorily address this requirement. Whilst it is acknowledged that the existing business wants to close it still needs to be demonstrated that there has been adequate marketing of the site as there may be other vehicle repair businesses that are looking for a site in the area.

Marketing information and letters of interest have been submitted. It is considered that given that the site has been marketed, and there has been a previous application to re-develop the site for a D1 surgery and residential from 2006 which was recommended for approval by officers but subsequently refused at committee that the principle of re-developing the site is acceptable.

The property has been actively marketed since March 2014 by Brampton Real Estate. Whilst offers have been received for the site, including offers made in 2014 these have been subject to planning permission for a residential scheme to the site. Details of two offers made in December 2014 have been submitted to support the application, both of which are subject to a residential led scheme, although one offer includes provision for a commercial unit.

Policy DM14 advocates that the priority for re-use will be a mix of small business units with residential use. The current scheme would include a medical centre/dental surgery of 57sqm. In order to comply with the policy the proposed floorspace should be capable of delivering similar levels of employment to the current/previous use.

The existing site employs two members of staff and provides parking for black cabs. The new surgery unit will provide employment for 2 staff and as such the levels of employment remain the same.

The application is conditioned to be a specific use within the D1 use class order to prevent the unit being converted to any other use within the D1 use class.

#### Principle of flats

Policy DM01 states that conversion of dwellings into flats in roads characterised by houses will not normally be appropriate. Whilst this is not a conversion the principle of this policy is considered to be applicable as the introduction of the type of accommodation proposed is considered to be out of character in an area that is characterised by houses which are used as single family dwelling units. Given that this is a transitional site between the retail/commercial and flatted development of Cricklewood Lane and the residential properties of Caddington Road and taking into consideration the site is currently commercial and lies opposite a school it is considered that flats in this location is acceptable. In the site specific circumstances of this site it is considered that the principle of flatted development is acceptable.

The proposal provides an adequate mix of units with studio, 1 bed, 2 bed and 3 bed units proposed.

#### Impact on character and appearance of the surrounding area

The proposal will appear as a two storey building with accommodation in the mansard roof. The overall height of the proposed building is comparable to the heights of the properties adjoining the site along Cricklewood Lane and Caddington Road and as such is in keeping with the surrounding context. It is noted that the building will sit forward of the existing building line and will sit closer to the pavement edge, the proposal does not project beyond the established building lines formed by the side elevation of the end properties on Dersingham Road and Caddington Road and as such this is considered to be an acceptable forward projection.

The proposed building is considered to fit comfortably within the site and will provide adequate spacing around the site to ensure the proposal does not appear cramped within its plot. The materials and landscaping of the site have been conditioned to ensure a high quality finish to the scheme. The overall design of the scheme is considered to be acceptable within its setting. The existing structures on site are not considered to enhance the appearance of the area and as such a comprehensive design for the proposal is considered to be acceptable.

#### Impact on the neighbouring occupiers

The proposal has been amended since its initial submission to set the building off the boundary with the properties along Cricklewood Lane. The building will now be set 1m off the boundary with the rear of Cricklewood Lane maintaining a distance of approximately 10.6m from between the first floor of the properties along Cricklewood Lane. The proposal will be set further from the boundary than the existing two storey building which is sited behind 93 Cricklewood Lane. The existing building on site is located on the boundary with Cricklewood Lane and is two storeys in height the depth of the proposed building rearwards is similar to that already on site, the difference between the existing building is that it is set forward by 2m. The roof is then set in a further 0.5m and slopes away from the neighbouring properties. Taking into account the position of the existing building in comparison to the proposed building, the proposal is considered to be acceptable in terms of the impact on the neighbouring units in respect of light, outlook and privacy. The

proposal has been conditioned ensure that any side facing windows are obscure glazed to prevent any perception of overlooking from the new units.

In regards to the properties along Caddington Road the proposal will be set approximately 1m off the boundary. There is a sufficient distance maintained to ensure that there will be no loss of outlook or light to the rear of these properties.

A daylight/sunlight and overshadowing report has been submitted with the application, this assesses the implications of the development on the surrounding properties and the amenity areas. The report has considered the properties and associated amenity areas of 83-93 Cricklewood Lane and 45-53 Caddington Road. The report concludes that there will be negligible impact on the surrounding units. It is also noted that the proposal has been amended since the initial submission and as such the development is now set further off the boundaries than the scheme considered under this report, which will further mitigate any impact on daylight, sunlight and overshadowing as a result of the development.

It should be noted that this acts as a guide only and a judgement still needs to be made on the implications of a development on surrounding occupiers. For the reasons stated above it is considered that the proposal is acceptable.

#### Impact on future occupiers

The proposed works would result in the creation of 7 self contained units. 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.

Section 8.4 of Barnet's Local Plan SPD: residential design guidance states: "in designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides reasonable level of privacy". In addition to this, section 2.4 of the SPD for sustainable design and construction states that "the impact of development on the availability of daylight / sunlight and privacy to the occupants of existing buildings and the occupants of new development is strongly influenced by design and contributes significantly to the quality of life. The amount of daylight available in buildings enhances people's quality of life and reduces energy use. The Mayor's Housing SPG standard 5.5.2 recommends that development should preferably have direct sunlight in living areas and kitchen dining spaces and all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Overheating should be considered when designing for sunlight".

The proposal will provide a mix of units comprising of 1 x 3 bed, 2 x 2 bed, 2 x 1 bed and 2 x studio units. Each of the units will comply with the minimum floor areas in compliance with the London Plan 2015 and Barnet's SPD Sustainable Design and Construction. The units have adequate provision for outlook and natural light and ventilation.

In regards to amenity space, on site amenity space will be provided to the rear of the site, this has been designed to ensure that there is a private patio area for the ground floor flat, the remainder of the space will be for communal for all the occupiers of the flats. The level of amenity space provision is considered to be in accordance with the necessary standard which equates to 5qm per habitable room.

## Noise and contamination

It is considered that subject to the relevant conditions the proposal is not considered to generate undue noise and disturbance.

The environmental health team have reviewed the application and consider that subject to suitable conditions that the proposal would not result in demonstrable harm. Given the sites historic use a condition requiring further examination of contamination risk on the site has been conditioned. A contamination report has been submitted as part of the proposal, however, further investigation is sought via condition.

It is noted that there is an existing restaurant at 83 Cricklewood Lane with flue, the windows of the new units would be sited approximately 20m from the flue and as such it is not considered that the new units will be effected by the odour emitting from the existing flue.

## Traffic and development

The site is located in Dersingham Road approximately 35 metres from its junction with the A407 Cricklewood Lane. Cricklewood Lane is a bus route. There is a Zebra crossing immediately north of the site with zig-zag lines through a section of the site's frontage. Childs Hill Junior School is located in Dersingham Road opposite the site.

The traffic and development team have reviewed the application and subject to suitable conditions are satisfied with the proposal. The parking provision is in accordance with recommendations London Borough of Barnet's Local Plan Parking.

Vehicle access will be via a new access along the southern boundary of the site. Access to the underground car park will be via a ramp which only allows one way movement due to its width, with passing points at both ends of the ramp to avoid conflicts or the need of vehicles having to reverse onto the public highway in the event that another vehicle is already using the ramp in the opposite direction. The access arrangements are acceptable on highways grounds; however a warning system will be required on condition giving preference to vehicles entering the site, as the ramp is not wide enough for two way movement.

Details of the ramp will be required, including ramp gradient details providing a ramp gradient no steeper than 1 in 10 and a 6 metre platform levelled with the public highway at the entrance.

The proposed D1 use is under the threshold for a Travel Plan requirement, however the applicant is encouraged to implement a voluntary travel plan to promote sustainable modes of travel.

## **5.4 Response to Public Consultation**

Notification was sent out on a 50m radius to surrounding occupiers and a site notice erected on 23/04/2015 and as such consultation has been carried out in accordance with the statutory requirements.

The proposal has been amended since its initial submission to set the building and roof form off the boundary with the properties along Cricklewood Lane and Caddington Road to mitigate the impact of the new building on the neighbouring properties.

## 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.

