

**Location**                      **70 Friern Park London N12 9LA**

**Reference:**                      **14/07718/FUL**                      Received: 3rd December 2014  
Accepted: 3rd December 2014

Ward:                              Woodhouse                              Expiry 28th January 2015

Applicant:                      Dudrich Developments Ltd

Proposal:                      Demolition of existing house at No.70 Friern Park and 39 garages at the rear of The Lindens and construction of 9 no. two storey houses including basement level, rooms in roof space, 18 no. car parking spaces with a new access road; installation of photo voltaic units to the rear elevation; provision of 10 no. cycle storage spaces; refuse/recycling facilities; hard and soft landscaping and inclusion of turning facility for vehicular traffic from The Lindens (AMENDED PLANS AND DESCRIPTION OF DEVELOPMENT).

**Recommendation:** Approve subject to conditions

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans:
  - 1032\_09 (F) (Location Plan)
  - 1032\_10 (M) (Site Plan and Sectional Elevation)
  - 1032\_11 (F) (Floor Plans)
  - 1032\_12 (G) (Elevations)
  - 1032\_13 (F) (no.70 Proposed)
  - 1032\_14 (C) (no.70 Existing)
  - 1032\_16 (F) (Sections)
  - 1032\_50 (Existing buildings)
  - 912348B (Land Survey)
  - CGIs of Proposed Development dated 3 Dec 2014
  - JR/AR/12045 (Transport Statement) 17 March 2015
  - MPH/0551/RHB (Arboricultural Implication Study and Tree Protection Strategy) Dated 26 Nov 2014
  - Planning Design and Access Statement
  - Supporting Planning Statement dated 18 Mar 2015

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) 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.

- 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 Before the development hereby permitted is first occupied, the development shall be implemented in full accordance with the approved access route, car and cycle parking and refuse and recyclables storage details as shown in approved documents and shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 6 Before the buildings hereby permitted are first occupied the proposed windows in the flank elevations 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).

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Part 1 of Schedule 2 of that Order shall be carried out within the area of the dwellings hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

- 8 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 as well as appropriate measures to maintain the safe and effective access for residents of The Lindens during the construction period. .

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).

- 9 No structure or erection with a height exceeding 1.05m above footway level shall be placed along the frontage of Friern Park from a point 2.4m. from the highway boundary for a distance of 2.4m on both sides of the vehicular access.

Reason:

To prevent danger, obstruction and inconvenience to users of the adjoining highway and the premises in accordance with Policy DM17 the Development Management Policies DPD (adopted September 2012).

- 10 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).

- 11 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).

- 12 Prior to the first occupation of the new dwellinghouse (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 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).

- 13 Prior to the first occupation of the development, a sign shall be erected to advise residents and visitors to the proposed development that there shall be no access to Friern Park through The Lindens development and this sign shall be permanently maintained as such thereafter.

Reason:

To prevent danger, obstruction and inconvenience to users of the adjoining highway and the premises in accordance with Policy DM17 the Development Management Policies DPD (adopted September 2012).

**Informative(s):**

- 1 This is a reminder that the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer:

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments.

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

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is 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.

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

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; 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 any appeal being allowed, please contact us: [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 Extension: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk).

Please visit [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil) for further details on exemption and relief.

## **Officer's Assessment**

### **1. Site Description**

70 Friern Park is a two storey detached house located on the south side of Friern Park approximately 200m from the junction with Grove Road. The property is located adjacent to The Lindens, a purpose built 1930's block of flats. The site has a depth of 95m and the rear boundary of the existing house includes the garage court that serves the Lindens. An electricity sub station is located in the western corner of the Lindens adjacent to the application site.

The application site consists of 70 Friern Park and the Garage block.

The garage block is surrounded on three sides by Grove Road Allotments.

Levels drop from front to rear of the site by approximately 4m.

The site has a PTAL of 2.

The site is not in a conservation area, there are no Tree Preservation Orders on the site and there are no listed buildings on or adjacent of the site which would be affected by the development.

### **2. Site History**

Reference: F/01453/13

Address: 70 Friern Park, London, N12 9LA

Decision: Refused

Decision Date: 12 June 2013

Description: Demolition of existing house at No.70 Friern Park and 39 garages at the rear of The Lindens and construction of a total of 9no. 3-storey houses with rooms in the basement (8 houses at the rear and 1 to replace No.70 Friern Park) including 18no. car parking spaces with a new access road. Installation of PV Units to the rear elevation. Provision of 10no. cycle storage spaces; refuse and recycling and hard and soft landscaping.

This application was refused for three reasons. Firstly that the density, size, siting, bulk and design would be visually obtrusive within the immediate open area and would be out of character with the wider area. The development would be out of character with the openness of the site in which the proposed development would be located in.

Reference: F/05911/13

Address: 70 Friern Park, London, N12 9LA

Decision: Refused

Decision Date: 11 February 2014

Description: Demolition of existing house at No.70 Friern Park and 39 garages at the rear of The Lindens and construction of a total of 9no. 3-storey houses with rooms in the basement (8 houses at the rear and 1 to replace No.70 Friern Park) including 18no. car parking spaces with a new access road. Installation of PV Units to the rear elevation. Provision of 10no. cycle storage spaces; refuse and recycling and hard and soft landscaping.

This resubmission was refused for the same reasons as the previous planning application.

However the applicant appealed the decision of the Council which was subsequently dismissed. The Inspector identified that the main issues associated with the appeal were the impact on the character and appearance of the area and the impact on parking facilities and highway safety.

The Inspector concluded that the scheme would be subordinate to the adjoining development at The Lindens and would not detract from the visual character and openness expressed in the surrounding area, referring to another recent development at Cardew Avenue. The Inspector also held no objection to the demolition of the 1930s frontage building.

The Inspector also had no objections to the parking arrangements associated with the development and the impact that the development might have on existing parking arrangements for The Lindens. However, the Inspector was of the view that the proposed development would exacerbate existing dangerous vehicular access and turning arrangements around the site which already involve access on to Friern Park in reverse gear as the development of the garage block would result in the loss of the turning area for the occupiers of The Lindens development. The Inspector felt that he could not impose a condition as it would have involved creating a facility on land outside of the application site and was not confident of this coming forward within the timescale of the planning permission. As such, the Inspector felt that the scheme was contrary to the Development Plan.

### **3. Proposal**

The current proposal is for the demolition of the existing 39 garages located at the rear of The Lindens, together with the demolition of 70 Friern Park and the erection of two terraces of 4 houses in place of the existing garages, the creation of a new access road on the site of 70 Friern Park, the provision of 16 car parking spaces to serve the new development of 8 houses, together with the replacement of 70 Friern Park with a new detached dwelling house with a further 2 car parking spaces also accessed off the new drive. The current application has been amended from the previously refused (and appealed) scheme to include the retention of the roadway from The Lindens onto the application site to enable vehicles from The Lindens to enter the application site, turn and return via The Lindens to Friern Park in a forward direction. In addition, a barrier will be erected across the proposed new access road to ensure that vehicles from The Lindens cannot access Friern Park via the application site.

The proposed new houses to be located on the garage site comprise two terraces each consisting of four houses, finished with hipped and pitched roofs and a 2m gap between the terraces and a metre gap at each end.

The proposed houses on the garage site will be 10.8m deep, 5.2m wide, 5.0m to the eaves height and 8.2m to the ridge height. Each of the proposed new houses will have a rear garden depth of between 10.5m and 11.2m and a car parking space occupying part of the front garden area.

The proposed replacement house for 70 Friern Park will be 10.5m deep, 5.4m wide and 5.2m high to the eaves height.



## 4. Public Consultation

Consultation letters were sent to 121 neighbouring properties.  
26 responses have been received, comprising 26 letters of objection.  
4 objectors have requested to speak at the Planning Committee.

The objections can be summarised as follows:

- Road is already busy and narrow, would increase likelihood of accidents.
- Impact on security and future crime
- Noise pollution & increased traffic & parking in area
- Hazard of vehicles, pedestrians, cyclists
- Inadequate turning space for large vehicles including fire engines
- Impact on attractiveness of area by design and choice of materials
- Impact of new street lighting on neighbouring residents
- Overbearing and intrusive impact of new houses on allotments
- Objection to period of consultation during Christmas (34 days)
- Information refers to small vehicles- this is vague
- Right of way to garages would be lost.
- Noise impact of new pumping system
- Ecological damage & environmental consequences including for protected species
- Overbearing impact of buildings
- Out of character resulting in fragmented form of development
- Impact of visual amenity
- Loss of privacy by siting
- Set a precedent
- Loss of views
- Heightened activity & disturbance to existing residents
- Unable to view all documents
- Increase in height of 70 Friern Park which currently is single storey
- Recycling area projects towards road
- Smell of refuse
- The removal of tree to access substation will result in loss of screening from the Lindens
- impact on trees (canopy and roots) during construction which may not be addressed by temporary fencing
- How will restricted traffic be controlled
- Garages currently used by residents
- Detrimental impact to neighbouring amenity space

## 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, CS4, CS5, CS9
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM15, DM17

### Supplementary Planning Documents

Residential Design Guidance SPD (2013)

Sustainable Design and Construction SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether the scheme has now overcome the reasons for refusal and the reasons for the dismissal of the appeal, namely that the proposed development would give rise to dangerous turning and access arrangements within the site for the occupiers of The Lindens, given the loss of the garage block to the rear of the site.

## **5.3 Assessment of proposals**

Principle of development

The proposed development is for the demolition of the existing frontage building and the garage block and the erection of a replacement frontage dwelling, a new access road from Friern Park connecting with the access route through The Lindens and the construction of 8 new dwellings on the site of the garage block in the form of two terraces of four.

The previous two applications were refused in 2013 and 2014 on the basis that the scheme would be incompatible with and detract from the open character of the site and would by reason of its density, size, height, bulk, siting and design, would be out of character with surrounding properties and result in a visually obtrusive form of development in this open area. At appeal stage, the Inspector overturned these objections and reasons for refusal and as a result they are not material to the consideration of the application. Fundamentally, the design, size, siting and layout of the development is now considered to be acceptable. This new application proposes no changes to this aspect of the development and any objections to this part cannot be sustained by officers. Planning permission cannot be refused on these grounds.

However, the Inspector raised concerns about the access arrangements for occupiers of The Lindens as development would have taken place on the turning area that was previously afforded to the occupiers of the existing development. The consequence of this development was that drivers would exit the site into Friern Park in reverse gear.

This was the only reason for which the appeal was dismissed. As such, for this submission to be successful, the applicants must demonstrate that the scheme has overcome the Inspector's objection on these grounds.

#### Highways implications and parking demand

The appeal decision against the Council's decision to refuse planning permission for the erection of nine dwellings on the site of 70 Friern Park found that the construction of the proposed development would result in the loss of the turning area for the occupiers of The Lindens. As a result anyone leaving the site would need to reverse up the access route to join Friern Park and access in reverse gear rather than in forward gear.

This manoeuvre occurs even though residents of The Lindens have access to the garage block area for turning around. However, the presence of parked vehicles on their access route would have prevented on site turning around had the previous development been constructed.

The Inspector considered whether a condition could have been imposed on an appeal permission to force the construction of a mitigation measure to replace the turning facility that would subsequently be lost. However, there was little likelihood that this facility would be constructed within the time period for the commencement of the planning permission.

As a result, the appeal was dismissed.

Subsequent to the appeal decision, the applicants have discussed suitable methods for overcoming this appeal decision in order to resolve the highway safety issues. It has now been agreed with highways officers, that vehicles associated with The Lindens would be permitted to gain access through the application site as a route back on to Friern Park. As a result, the access route through The Lindens would be one way entrance. The access route through the application site would become two way as it would serve as both the exit for both sites and the entrance for the application site.

It has also been agreed that there would be no barrier or gate on the proposed site access road and that on the access link from The Lindens, there would be a no entry sign on the

common boundary that would be required to prevent residents of the application site from entering the access route for The Lindens.

In effect this would result in the creation of a new through road through both The Lindens and Hayden Mews (the name given to the proposed development), however, the updated transport assessment advises that the development of 8 houses at the rear would give rise to just 52 vehicular movements (or 26 return trips) per day. This is a favourable comparison to the existing lawful situation on the site which relates to the existing 39 lock up garages at the site which was estimated to give rise to a potential 74 vehicular movements per day. The existing development at the Lindens generates 44 departure movements per day which would result in approximately 96 movements through the access road per day. This is considered to be acceptable and would be adequately accommodated within the existing access route. It is considered that this estimated trip generation would not have a harmful impact on residential amenity for the occupiers of the proposed development.

The access route would permit servicing and delivery vehicles to enter the site. Refuse and recyclables would also be safely and effectively collected. The revised means of access through the site would also not prevent safe storage and access to the refuse, recyclables and bicycles on the site.

Details of these storage facilities have been provided and a condition has been added to ensure that these are made ready for use prior to the first occupation. In addition, a condition for a construction management plan and method statement has also been prepared and this should be designed so as not to prevent effective and safe access and egress to and from Friern Park.

On this basis, and in the absence of objections from the Council's Transport and Highways officers, the current application overcomes outstanding planning reasons for refusal and does not generate any new issues which warrant the refusal of planning permission.

As such, it is considered that the scheme accords with the aforementioned policies of the Development Plan.

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

It is considered that the comments relating to highways objections and access have been addressed in the report above and following the consultation with the Council's Highways officers, the proposal is considered to be acceptable.

All other planning related comments are considered to be addressed in the main report above.

With regards to the consultation period, objectors are advised that the statutory consultation period for this type of planning application is 21 days; Barnet Council consulted for at least this period and longer, taking into account the Christmas period. It is therefore not considered that local residents were prejudiced by the consultation process.

#### **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**

Having taken all material considerations into account, it is considered that the proposed development would overcome the outstanding reasons for refusal relating to safe and effective highway access. The construction of a new through route for the development and the existing adjoining development would permit a means of access that would now eliminate concerns and objections relating to reverse gear access to Friern Park. All other material planning considerations relating to the proposed development including design, layout, amenity, siting, size and land use have been established as being acceptable and not contrary to the Development Plan policies listed above following the Inspector's appeal decision. This application does not introduce any new elements with the exception of highways and access arrangements and as a result, all other aspects are deemed to be acceptable. The measures proposed in relation to access overcome the reasons for refusal and would now make the proposed development acceptable.

