

**Location**                      **2 The Drive London N3 1AD**

**Reference:**                      **15/04319/FUL**

Received: 10th July 2015

Accepted: 20th July 2015

Ward:                              West Finchley

Expiry 14th September 2015

Applicant:                      Mr Ray Gabriele

Proposal:                      Demolition of existing house and erection of a two storey building with rooms in roof space comprising of 5no. self-contained flats with associated refuse and recycling storage area, cycle storage area and provision of 5no. off-street parking spaces

**Recommendation:** Approve subject to conditions

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans: PL-02; PL-03; PL-04; PL-05; PL-06; PL-07; PL-08; PL-09; PL-10; PL-11; PL-12; ecological scoping survey October 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) 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.

- 4 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.

- 5 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).

- 6 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and 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).

- 7 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.

8 a) Before the development hereby permitted is first occupied, details of the sub-division 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).

9 Before the development hereby permitted is occupied, car parking should be provided in accordance with submitted drawings and spaces shall not be used for any purpose other than parking of vehicles in connection with the approved development. The parking layout should include provision of disable parking spaces for all elements of the development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policies polices 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.

10 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. All works must be carried out in full in accordance with the approved details unless previously agreed in writing by the Local Planning Authority. Construction and/ or delivery vehicles should not impede traffic on the public highway.

Reason: In the interests of highway safety 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.

11 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.

**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 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.
- 3 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 exceptional 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.

- 4 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.

5 Waste Comments

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk)

- 6 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

- 7 With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

## **Officer's Assessment**

### **1. Site Description**

The application site contains a 2 storey semi-detached single family dwelling house located to the East of The Drive, N3 1AD. The applicant property is not listed nor located on land designated as Article 2(3) (Conservation Area). There exist no outstanding conditions on the application property which might limit development.

### **2. Site History**

N/A

### **3. Proposal**

The application relates to the demolition of existing house and erection of a two storey building with rooms in roof space comprising of 5no. self-contained flats with associated refuse and recycling storage area, cycle storage area and provision of 5no. off-street parking spaces

### **4. Public Consultation**

Consultation letters were sent to 44 neighbouring properties.

19 responses have been received, comprising 18 letters of objection, 1 letter of support and 0 letters of comment.

The objections received can be summarised as follows:

- Intensification of the site. Particularly given other multiple occupancy developments nearby.
- Impact on parking and traffic.
- Hazard created on roads and will block Cedar Court.
- No footpath on this road and as such would become unsafe.
- Proposal assumes each flat will only have one car.
- Increased noise and disturbance
- Loss of natural and garden space to the existing house.
- Impact peace and tranquility.
- If potholes occur developer should fill these in.
- Disruption to freeflow of traffic during works.
- Loss of planting.
- Loss of family home.
- Insufficient refuse.
- Garden not large enough for development.
- Increased demand on local amenities and infrastructure.
- Site is unsurfaced and would be unsuitable for additional traffic.
- Detract from aesthetics of Cedar Court which is a listed building.
- Additional details are required.
- Protected species on site.

### **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.
- Relevant Development Management Policies: DM01, DM02.

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

### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether 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.

### **5.3 Assessment of proposals**

#### 4.2 The Principle of Flats:

Paragraph 2.8.1 of the Development Management Policies DPD states that *The conversion of existing dwellings into flats can have a cumulative effect that is damaging to the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street particularly where they are highly accessible. However, even in such locations they can harm the character of areas by changing external appearance and increasing activity. Such activity can often involve more people movements, increased car movements and parking stress, more rubbish to be collected and more deliveries*".

In this instance, the principle of a the demolition of the existing single dwelling to flatted development is not objectionable, as flats are a feature in the nearby neighbourhood including the neighbouring property no.1 The Drive which is in use as 6 self contained flats granted at sub-committee in 2006.

#### 4.3 Potential impacts upon the character and appearance of the existing building, the street scene and the wider locality

The 2012 National Planning Policy Framework states that 'the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'.

In addition to the NPPF, Policy CS5 of the Core Strategy states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'. In addition to this, Policy DM01 of the Council's Development Management Policies 2012 states that 'development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused'.

The overall height of the building aligns with the eaves and overall ridge height of no.1 The Drive. The design detailing is considered to be acceptable given the surrounding context.

It is considered that there is adequate spacing around the property to ensure the proposal fits comfortably within the site without appearing cramped.

The proposed scale of development and building line of the proposed property are considered to be acceptable and would not appear out of context within this part of The Drive.

#### 4.4 Potential impacts upon the amenities of neighbouring residents

The impacts upon the amenities of neighbouring residents was initially a concern for planners, however the scheme has been amended to address points raised at pre-

application stage. The proposed scheme is no longer considered to impact upon the amenities of any neighbouring resident to a level of detriment. The scheme is found to be acceptable in terms of its impacts upon neighbouring residents. At ground and first floor level, the proposed development aligns with the adjoining property.

#### 4.5 Living Conditions for Future Residents:

With regards to floorspace standards, all residential developments must now meet the minimum gross internal space standards of the Mayors London Plan 2015, outlined in Policy 3.5 (table 3.3) which are as follows:

1p - 37  
1b2p - 50  
2b3p - 61  
2b4p - 70  
3b4p - 74  
3b5p - 86  
3b6p - 95  
4b5p - 90  
4b6p - 99

Flat 1 - 3 bed 4 person; flat 2 - 2 - bed 3 person; flat 3 - 1 bed 2 person; flat 4 - 2 bed 3 person and flat 5 1 bed 2 person.

The proposed flats are compliant with Part 2.1 of the Council's Sustainable Design and Construction SPD. The proposal complies with the necessary internal space standards for new residential flats.

The living room and bedroom dimensions, as well as the ceiling heights are compliant with Table 2.2 of the abovementioned SPD.

In relation to Table 2.3 of the SPD, the development standard advocates 5sqm of outdoor amenity space is required per habitable room. Some amenity space has been provided which would be to the rear of the property (land to the side would not be defined as useable) this provides adequate amenity space for the future residential occupiers. In addition, there is a large open green space in front of the property with an access point from The Drive this would provide further green space for the future residential occupiers to utilise. This is space which is open to the public.

With regard to the provision of daylight, privacy and outlook, it is considered that Units 1, 2, 3 and 4 would align with standards outlined in Table 2.4 of the SPD. The loft floor flat would be single aspect served by dormers facing rearwards. Additional rooflight windows will be incorporated to the side and front elevations, it is considered that this unit is acceptable and would provide adequate light and outlook.

The development is considered to be in general accordance with the principles outlined in Part 2.14 with the Council's Sustainable Design and Construction SPD. It is advocated that buildings be designed to reduce the exposure to noise for its occupants. Internal layout can help mitigate the impact of noise via locating rooms that are sensitive to loud noise (i.e. bedrooms/living rooms) away from areas of the site that are most prone to loud noise, and stacking rooms with similar uses on top of each other (i.e. living rooms, kitchens) to avoid unnecessary noise disturbance. The internal stacking of the units is considered to be acceptable.

#### 4.6 Traffic and highways:

The application site has a PTAL rating of 3. It is therefore expected that one additional off-street parking space be accommodated as part of the development. Submitted plans have shown this space to be provided on site. This would require fairly extensive hard surfacing, however as the neighbouring property has the front forecourt completely covered in hardstanding this is not considered to be objectionable.

Parking has been proposed in front of the principal front window at ground floor level for Unit 1 however as the parking space is set away by 2.7metres and the unit would feature an acceptable rear outlook from its main habitable space, this relationship is considered to be acceptable.

The proposal is in accordance with the parking standards in with London Borough of Barnet's Local Plan policy DM17 of Development Management Policies (Adopted) September 2012.

The development proposes the provision of five cycle spaces and the provision for refuse storage.

#### 4.7 Protected species and trees:

A protected species survey has been carried out at the site which concluded that no animals with protected status were identified at the site.

#### 4.8 CIL:

The applicant is reminded that the proposed development would be deemed as 'chargeable development' (liable for 'CIL' charges), defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m.

### **5. Response to Public Consultation**

All planning related matters are considered to be covered in the above appraisal.

An ecology survey of the site has been carried out and no protected species have been identified on the site.

The traffic and development team have reviewed the application and consider the proposal to be acceptable. A condition for a construction management plan has been imposed to ensure that disruption is limited and does not interrupt the freeflow of traffic in the surrounding area.

The loss of a family house is considered to be acceptable given the character of the area notably the adjoining property no.1 has been converted into flats.

The proposed building is not considered to be harmful to the setting of the listed building Cedar Court. The proposed building is considered to be appropriate to the street context of which it forms a part.

There is considered to be adequate spacing to allow for soft landscaping to ensure that the proposal does not result in the loss of green space to an unacceptable degree.

### **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.

Ordnance Survey

Ukmapcentre.com

