

**Location**                      **Land At Salento Close London N3**

**Reference:**                      **15/05858/FUL**                      Received: 18th September 2015  
Accepted: 18th September 2015

Ward:                              West Finchley                      Expiry 13th November 2015

Applicant:                      Mr & Mrs GW & JA Green

Proposal:                      Construction of a two storey office building with basement following  
demolition of existing garages

**Recommendation:** Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

14-0112.SK01 Rev C; 14-0112/SK02 Rev C; 14.0112.SK04; 14-0112/SK05; Design and Access Statement; Sustainable Design and Construction Statement

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

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

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

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

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

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

and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

- 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 2015.

- 5 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 (2015).

- 6 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).

- 7 Before the development hereby permitted is first occupied turning space and parking spaces shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that parking and associated works are provided in accordance with the Council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012) and 6.1, 6.2 and 6.3 of the London Plan 2015.

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

- 9 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

- 10 The use hereby permitted shall only operate between the hours of 08:00 and 18:00 on weekdays and between 08:00 and 13:00 on Saturdays and not at all on Sundays and Bank and Public Holidays.

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

- 11 The premises shall be used for an office and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

- 12 a) Prior to first occupation of the building, details of any external lighting proposed for the site shall be 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.

Reason: To safeguard the character and visual amenities of the site and the amenities of neighbouring residents 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 2015.

13 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development have 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 development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced 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 Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (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 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 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 £2,663.50 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 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 £0 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

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

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 7294.

## **Officer's Assessment**

### **1. Site Description**

The application site is currently occupied by thirteen single storey garages accessed by a private access road off Howcroft Crescent. The site of the new building is located behind an existing block of flats on Nether Close and is at a lower level than the surrounding properties.

The area has a mixed character comprising two storey residential properties facing Howcroft Crescent and three storey flats on Nether Close. There are no trees in or around the application site.

Planning permission was granted in 2005 for new residential block of flats accessed off Solento Close which backs on to the railway tracks. This is sited behind 55 Howcroft Crescent and is known as Melbourne House.

### **2. Site History**

Reference: 15/00232/FUL

Address: Land To The Rear Of Howcroft Crescent, N3 1PA

Decision: Refused

Decision Date: 12.03.2015

Description: Demolition of existing garage block and construction of new two storey building for B1 (office) use

### **3. Proposal**

This application seeks consent for the construction of a two storey office building with basement following demolition of four existing garages.

The proposed office building would measure 5.2m in height to the eaves and 7m to the ridge of the pitched roof. The building would have a width of 9.2m and a depth of 5.5m. The building would be constructed from brick with a tiled, hipped roof.

### **4. Public Consultation**

78 consultation letters were sent to neighbouring properties.

19 objections have been received

The views of objectors can be summarised as follows;

- Inappropriate use to have office amongst residential
- Impact on parking congestion and traffic
- Child security
- Noise and disturbance
- Difficulties for construction on such a tight road
- Loss of privacy
- Overlooking
- Maintenance of entry gate
- Impact on refuse collection
- Precedent of providing office accommodation in residential area
- Loss of light

- Restricted access

Finchley Society:

1. Commercial use of the site is inappropriate because of its close proximity and access via a purely residential area.
  2. Whilst the applicant claims that there would be only 5 workers on the site and the the hours of occupation would be limited with some flexibility outside of these hours there is no safeguard to ensure that this would not alter with change of ownership.
- I urge the Planning Department to refuse permission.

## **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 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

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

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

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

#### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)



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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether the proposed use is appropriate in the area;
- 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**

This application seeks consent for the erection of new two-storey office building, with basement accommodation to replace four of the existing garages, following a refusal on site for a similar scheme.

This previously refused scheme was similar in size and scale, but was located only 0.8m from the shared rear boundary with the Nether Close flats, a residential flatted development, the rear gardens of which are relatively modest measuring approximately 5.2m from the rear building line.

The current development is an improvement on this situation in that it is proposed to be sited approximately 6m away from this common boundary.

### **The Principle of Development**

Policy DM01 of the Development Management Policies (Adopted) 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.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The development standards set out in Policy DM02: Development Standards are regarded as key for Barnet to deliver the highest standards of urban design.

The officer's report for application 15/00232/FUL established that "the proposal to introduce a two storey building is not considered unacceptable in principle". No objection was raised in regard to the proposed change of use and introduction of a B1 office use at this location.

Instead the reason for refusal was focused upon the detrimental impact that the development would impose upon the amenities of neighbouring residents, in particular the occupiers of 15 and 16 Nether Close, this scheme will therefore be assessed to determine whether it has overcome this reason for refusal.

The reason for refusal was as follows;

The proposed two storey office building would have an overbearing appearance when viewed from the neighbouring flats on Nether Close in particular 15-16 which would adversely affect the outlook from the property and lead to an increased sense of enclosure and overshadowing to the neighbouring garden, detrimental to the residential amenity of the neighbouring occupiers contrary to Policy CS5 of Barnet's Adopted Core Strategy

(2012), Policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2013).

### Impact upon the Living Conditions of Neighbouring Residents

The proposed scheme has been set further away from the boundary with Nether Close and rotated in order to present a narrower flank wall facing towards the units along Nether Close. The previously refused scheme showed a separation distance of only 0.8m from the shared boundary with the Nether Close flats, whilst this current application shows a distance of approximately 6m.

Whilst the proposed development would be sited closer to the rear of properties along Howcroft Crescent, it is considered that the difference in levels and the proposed distance between the application building and the rear of 59 Howcroft Crescent being approximately 18m would not result in any loss of amenity to these occupiers. It is therefore considered that because of its massing, siting and height the two storey building shown in the proposed drawings would not detrimentally impact upon the amenities of neighbouring residents to a significant enough level to warrant a reason for refusal.

The proposed basement would be sited under the footprint of the office building, making use of the change in levels across the site, without adding height or bulk to the proposed building. Furthermore, there is no external manifestation proposed and therefore the basement development is not considered to result in any loss of amenity to neighbouring occupiers.

Access to the proposed office development would be provided via the gated entrance to Salento Close, accessed from Howcroft Crescent. The proposed office building would be located across the existing access into the garage courtyard from Salento Close, and a new access would be formed adjacent to the office. The existing pedestrian access from Nether Close would be retained.

The proposed office is to provide accommodation to a property lettings and maintenance company, with a total of five employees. The proposed basement accommodation would provide an archive store for the company. The business would operate between 9am and 6pm Monday to Friday and on Saturday mornings. A condition is suggested limiting the hours of use to ensure the proposed development does not result in any loss of amenity to neighbouring occupiers in terms of noise and disturbance outside of normal working hours.

In regards to parking, the existing garages, which are used for storage, are let out subject to one month's notice, and the applicants would utilise the remaining garages for the parking of staff vehicles, with additional space within the courtyard for visitors, providing a total of 8-10 parking spaces.

Due to the orientation of the proposed new building, it is not considered that the introduction of windows to the front and rear elevations will give rise to any loss of amenity to neighbouring occupiers in the form of unacceptable overlooking or loss of privacy. There are no windows proposed in the elevations facing the rear of properties on Howcroft Crescent, or Nether Close and the development is at a sufficient distance between the proposed windows and the existing windows of units at Melbourne House.

Whilst it is noted that some construction information has been submitted, it is not considered sufficient to address concerns regarding the limited access of the site in terms of ensuring that the shared access road would remain usable during construction and to

ensure that the impacts to neighbouring residents are minimised. Therefore a demolition and construction management condition has been suggested to ensure the proposed development does not result in any adverse impact of highway safety during construction.

The proposal is considered to be acceptable. It is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

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

The concerns raised are noted. In regard to the objection that it is an inappropriate use to have an office use amongst residential development and that this would set a precedent it should be noted that the previous application established that there was no in principle objection to the introduction of an office at this location. Although the site is not located within a town centre, the existing use of the garages for storage un-related to the surrounding residential properties means that they currently have commercial use.

In regards to the concern raised on the impact of the proposed development on parking congestion and traffic, the updated Design and Access Statement notes that it is intended to use the existing remaining garages for parking, as they are on short, one-month notice leases. In addition to this the forecourt in front of the development would have limited space for parking. A condition is suggested requiring further details of proposed turning and parking spaces within the site.

In regards to child security, it is considered that the imposition of an hours of use condition restricting the times when the site will be occupied will address the concerns. The majority of the day when the site will be used it is likely that children will be in school. It should also be noted that vehicles could be currently accessing the site at any time of day or night, as there is no restrictive condition set currently and therefore it is considered that the proposed development could improve upon child security rather than exacerbate any potential threat to children.

To overcome the concerns regarding noise and disturbance resulting from the development, two conditions are suggested, one to limit the hours that construction work is carried out and another to limit the use of the site once completed. As such it is considered that the proposed development will not result a in detrimental loss of amenity to neighbouring occupiers for this reason.

In regards to any loss of privacy or overlooking it is considered that the siting of the proposed development so that only the windowless flank walls face the rear of Nether Close or Howcroft Crescent will not give rise to any unacceptable loss of privacy or overlooking. Furthermore, it should be recognised that the proposed development sits at a lower level than any of the surrounding residential development and therefore it will be difficult to gain views into these sites from the application site.

It should be noted that maintenance of any entry gate is not considered to be a material planning application and would need to be agreed between the users of the office development and the owners of the gate.

To address the concerns regarding the impact of the proposed development on refuse collection, a condition is suggested requiring further details of any recycling and refuse strategy to ensure that refuse can be safely removed from the site.

The concerns raised that the proposed development would result in a loss of light to neighbouring occupiers are noted but disputed, as the proposed office building is sited at a lower level than the surrounding residential development, and positioned in such a way that the smaller flank elevations face the closest residential developments at 59 Howcroft Crescent and 14 and 15 Nether Close. This along with the distances away from the properties is considered to ensure that neighbouring occupiers do not suffer any loss of amenity in the form of a loss of light resulting from the proposed development.

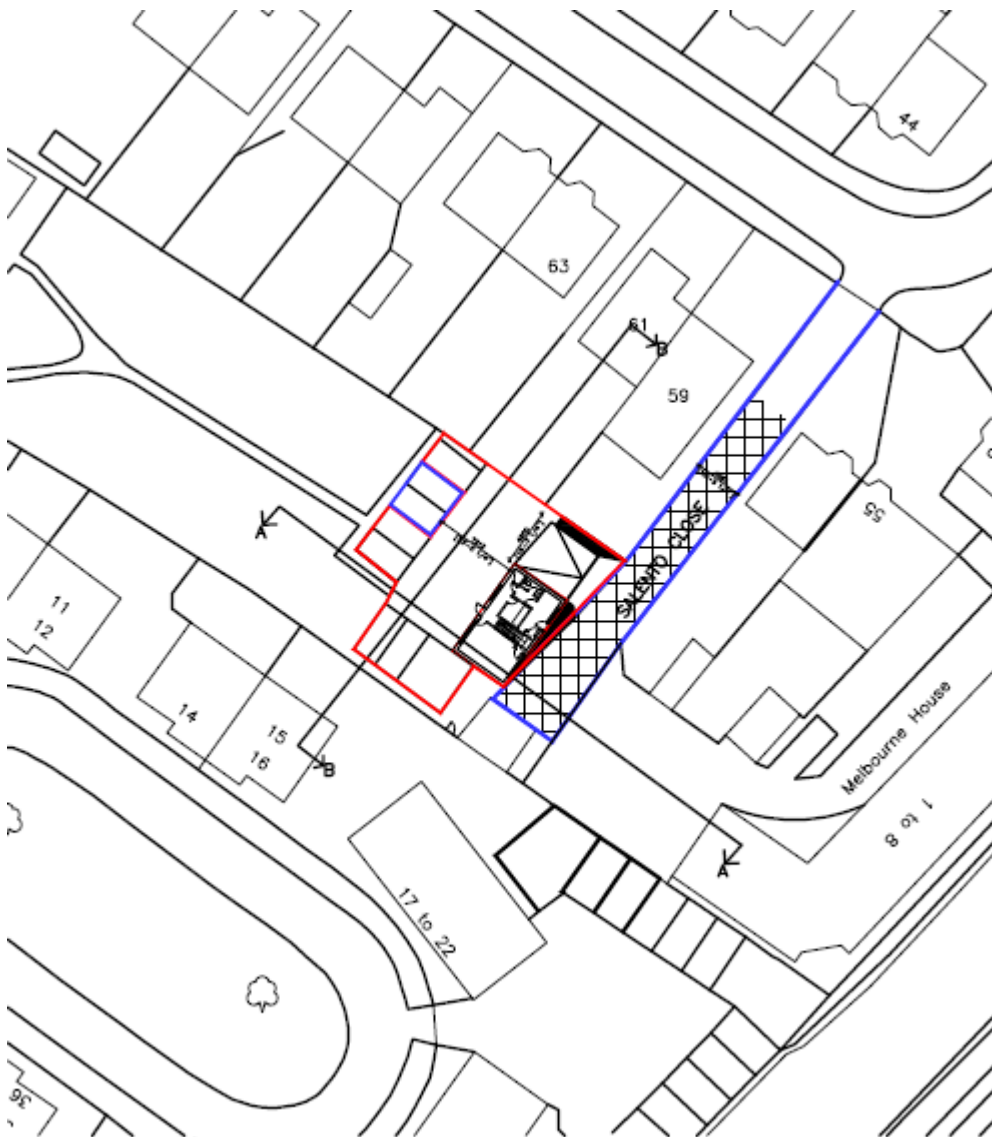
In regards to the objection regarding the restricted access and the potential difficulties for construction on such a tight road, a condition is suggested requiring access information for construction through a Demolition and Construction Method Statement, as the information submitted with the application is not considered sufficient to address all elements required in the condition. Once constructed the use of the site has been restricted through the imposition of an hours of use condition to ensure that the site is not accessed outside of normal office hours and therefore it is considered that the proposed development will not be detrimental to occupiers of neighbouring properties and therefore will not exacerbate the difficulties for existing users accessing the site in the evening or weekends. It should be noted that currently the existing thirteen garages can be separately accessed at any time of the day or night by the users of the garages.

## **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 support the Council in meeting its statutory equality responsibilities.

## **7. Conclusion**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



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