

Location **Mulberry Close London NW4 1QL**

Reference: **15/02648/FUL** Received: 29th April 2015
Accepted: 5th May 2015

Ward: Hendon Expiry 30th June 2015

Applicant: Mulberry Close Properties Limited

Proposal: Erection of 2 no. penthouse apartments to each of the 3 no. existing main blocks; demolition of existing single dwelling and erection of new single storey dwelling; remodelling of existing car park layout including relandscaping with the addition of 11 no. car parking spaces; relocation of entrance to refuse store to Sunny Gardens Road

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: L5 12 0001; L5 12 0005 B; L5 12 0010; L5 12 0011; L5 12 0015 B; L5 12 0020; L5 12 0025 C; L5 12 0028 A; L5 12 0030; L5 12 0031; L5 12 0035 B; L5 12 0040; L5 12 0045 C; L5 12 0048 A; L5 12 0050; L5 12 0051; L5 12 0055 B; L5 12 0060; L5 12 0065 C; L5 12 0068; L5 12 0070; L5 12 0080.

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 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).

- 4 Before the development hereby permitted is first occupied, the 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, as shown on Plan No. L512 0005 Rev B shall be implemented in full accordance with the details shown on Plan No. L512 0005 Rev B 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).

- 5 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Plan No. L512 0005 Rev B; shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

- 6 Before the development hereby permitted is first occupied, the details of screening, as shown on Plan Nos L512 0015 B; L512 0035 B and L512 0070, shall be implemented in full and retained as such thereafter.

Reason: To ensure that the amenities of the occupiers of neighbouring properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

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

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

- 8 Prior to 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).

- 9 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 2015.

10 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until details of temporary tree protection have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2015.

11 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 12 Prior to the first occupation of the new dwelling house(s) (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 that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. 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 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwelling house(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (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, 7.2 and 7.6 of the London Plan (2015) and policies DM02 and DM03 of the Barnet Development Management Policies document (2012).

- 14 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 25% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason:

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

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.

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 £5538.28 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 £21361.94 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.

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.

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

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

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 or by telephoning 0208 359 7294.

- 4 Any details submitted in respect of the Demolition and Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement

shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.

- 5 The applicant is advised that Parson Street is a Traffic Sensitive Route; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction and the Highways Authority should be consulted in this respect. The applicant must ensure that site and/ or delivery vehicles do not impede traffic on the public highway and that traffic flow on Finchley Road is maintained at all times.
- 6 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.
- 7 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 8 For any changes to the existing vehicle access or new vehicle accesses, the applicant must submit an application under Section 184 of the Highways Act (1980) for the proposed vehicular access. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant. This may involve relocation of any existing street furniture and would need to be done by the Highway Authority at the applicant's expense. Estimate for this and any associated work on public highway may be obtained from, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

Officer's Assessment

1. Site Description

The application site is a private residential development off Parson Street comprising of 3 main blocks of flats; Courtney House, Pembroke Hall and Thirlby Croft, all totalling 87no self-contained residential units. The properties are built in the Art Deco style common to other buildings in the area and have a consistent spatial pattern of development within the private estate itself; laid out to surround the Mulberry trees which serve the central forecourt when entering the site.

The site also includes a caretakers cottage, a garage site, 88 no. car parking spaces and an expanse of soft landscaping, some of which is covered by a group TPO (Tree Preservation Order).

The properties are not listed and the site does not fall within a designated conservation area.

2. Site History

Site Address: Courtney House, Pembroke Hall and Thurlby Croft, Mulberry Close, Parson Street, NW4

Application Number: W02930C

Application Type: Full Application

Decision: Refuse

Decision Date: 13/06/1979

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: Roof extension to existing buildings to provide an additional four flats.

3. Proposal

The application seeks consent for the following works:

- 2no penthouse apartments to each of the 3 main blocks of residential flats
- Demolition of single storey dwelling (caretakers cottage) and the erection of a new single storey dwelling
- Changes to existing car parking and landscaping to facilitate 11 no. car parking spaces in addition to the existing 88 no. car parking spaces and the addition of 14 no. new cycle spaces
- Relocation of the refuse store to the rear entrance at Sunny Gardens Road including widening of the existing gate to 2m

It should be noted that the plans have been amended since the original submission and a reconsultation with neighbouring properties was carried out.

4. Public Consultation

Consultation letters were sent to 257 neighbouring properties.

13 responses have been received, comprising 6 letters of objection, and 7 letters of support

The objections received can be summarised as follows:

- concerns that the proposals are to raise funds for repair works to the blocks
- buildings are likely to lose their architectural integrity
- noise and disturbance during construction
- subsidence
- the saleability and loss of value of the existing flats
- concerns raised as to who would fund the development
- loss of privacy
- noise and disturbances with new tenants in roofspace

The letters of support can be summarised as follows:

- will help fund needed repairs to the buildings
- will improve amenities for all residents

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the 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, DM17.

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

Supplementary Planning Documents

Residential Design Guidance (adopted April 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:

- The principle of 2no penthouse apartments to each of the 3 blocks
- The principle of the replacement caretakers cottage
- Character and appearance of the site and surrounding area
- Impact on the amenity of future and adjoining neighbours and occupiers
- Relocation of the refuse store
- Highways impact

5.3 Assessment of proposals

The principle of the creation of penthouses within the roofspace of the three blocks of flats

Part of the roofs of each of the blocks is currently in use as roof terraces and although it could be argued that the proposals would result in the loss of the amenity space for the existing residents, this is not considered to cause unacceptable harm, given the existing area of landscaped grounds serving the blocks; therefore the principal of creating additional residential units within the roofspace is considered acceptable. The proposal includes private amenity area within the roof area for the use of the occupiers of the proposed flats.

The principle of the replacement of the caretakers cottage

The current caretakers cottage is single storey and is not considered to be causing an adverse impact on the amenities of the occupiers of the houses behind in Florence Street. These houses have small gardens; the proposal has been designed to maintain the single storey element at the boundary line and then to raise the height of the building away from the boundary (still maintaining the single storey aspect of the dwelling).

The bulk and massing is similar to the existing building and would be within a similar footprint to the existing caretakers cottage; the principle of the replacement of the caretakers cottage is therefore considered acceptable.

The impact on the character and appearance of the application site and surrounding area

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".

Furthermore, 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".

Penthouses in roofspace:

The additional flats would be only partially visible from the ground floor at the front of each block; the dormers are considered to respect the proportions of the existing building and roof and would be in keeping with the character and appearance of the estate and individual blocks. The rear of Courtney House is viewable from Parson Street and the footpath link to Sunny Gardens Road and therefore the penthouses on this block would not extend to the rear building line so as to ensure minimal visibility when walking along Parson Street. The rear of the penthouses would facilitate outdoor amenity space for the occupiers of the proposed units and screening has been proposed. Similarly, the rear of Pembroke Hall faces onto St Mary's Church of England High School and therefore the penthouses on this block also do not extend to the rear building line, where private outdoor amenity space and screening is proposed. Visibility from the school is lessened by the presence of existing trees along this boundary. Thurlby Croft is one of the more visually prominent blocks and can easily be viewed when walking along Parson Street; in this case, the proposal has been amended since the original submission to reduce the bulk and massing of the proposed roof area at the side facing Parson Street, furthermore, although the penthouses do extend to the rear building line of Thurlby Croft, the terrace area is proposed to face onto Parson Street to act as a 'natural buffer; and minimise the presence of 'built form' when seen along Parson Street. Overall, the addition of the units to the roofspace is considered to be done in a sympathetic manner without detracting from the architectural merit of the individual blocks. The materials to be used in the construction of the flats is in-keeping with the character of the buildings and has taken into consideration the visual impact the proposals would have on the private estate itself and the surrounding area. Solar panels are proposed to be located on the new roofs.

Replacement caretakers cottage:

The replacement cottage is considered to be of a similar size and siting to the existing cottage and would not increase the bulk and massing of the development considerably so as to justify a refusal of the application on this basis. The height of the building along the boundary (facing onto Florence Street) has been maintained and the increase in height to form a pitched roof is considered to be set away sufficiently from the rear of the gardens on Florence Street, so as to protect the amenities of those residents. This element of the proposal is deemed to be an improved alternative to the existing somewhat dilapidated cottage on site.

The proposed landscaping is considered to not only improve the appearance of the private estate, but to also benefit the residents as it would increase the number of car parking spaces available for the residents.

The impact on the amenity of future and adjoining neighbours and occupiers

In terms of the internal amenity space standards for future residents, policy 3.5 of the London Plan requires that 3 bedroom flats have a minimum Gross Internal Area (GIA) of between 74-95m². The proposed flats have a GIA as follows:

Courtney House:

Flat A and B approx 126.15m² GIA

Pembroke Hall:

Flat A and B approx 118.2 GIA

Thurlby Croft:

Flat A approx 139.1m² GIA

Flat B approx 118.7 GIA

Given that all proposed flats vastly exceed the required minimum GIA, the LPA is satisfied that the future occupiers of the units will have sufficient quality internal amenity.

With regard to outdoor amenity space, the council's Sustainable Design and Construction SPD specifies the importance of providing outdoor amenity space in order to provide good living conditions to occupiers. The SPD states that flats should provide "5 m² of space per habitable room". There is sufficient private and communal amenity space provided to meet this requirement.

Although it can be argued that the roof of the blocks are a form of amenity space for the existing residents, the loss of the terrace areas is not considered to be harmful to their amenities in the context of the overall amenity space available at this site.

Amenity space for new residents in the form of the rooftop terraces is considered acceptable, subject to conditions to minimise overlooking.

Noise can be a significant nuisance in urban areas. Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential properties. The applicant should achieve the required sound insulation levels and this will be enforced by an appropriate condition attached to the decision.

Adjoining residents:

Policy DM01 of the Development Management Policies 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

In addition to the requirements of Policy DM01, in respect of providing adequate daylight, sunlight, privacy and outlook for neighbouring properties, the Sustainable Construction and Design SPD states that the privacy of existing and future development should be protected and gardens and windows to habitable rooms should not be significantly overlooked.

Privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed). In new residential development there should be a minimum distance of approximately 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.

Following a site visit to the application site, it was clear that, given distances to boundaries, the proposals adequately address any potential overlooking the blocks may pose to surrounding residential occupiers.

Relocation of refuse store access to Sunny Gardens Road

The relocation of the access to the existing (and proposed) refuse and recycling facilities to the rear of the site, to be accessed via Sunny Gardens Road, is considered acceptable and would not impede on the amenities of the existing or future occupiers of Mulberry Close or surrounding properties. The application includes the replacement of the existing refuse gate in this location and widening it to 2m which would not harm the character and appearance of the site or surrounding area. This would enable refuse vehicles to collect from Sunny Gardens Road avoiding the need to enter the site itself. There are trees in the vicinity of the access subject to a Tree Preservation Order but as there will be no increase in hardsurfaced area and the refuse vehicles will not enter the site it is considered that the trees can be adequately protected.

Highways

The LPA Traffic & Development Team were consulted as part of the application process and no objections have been raised to the proposals. A number of conditions and informatives have been suggested to be included as part of the decision.

5.4 Response to Public Consultation

Largely addressed in report above. The following objections are not material planning considerations.

- concerns that the proposals are to raise funds for repair works to the blocks
- noise and disturbance during construction
- subsidence
- the saleability and loss of value of the existing flats
- concerns raised as to who would fund the development

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.

SITE PLAN

