

Location **Factory To The Rear Of 45 To 51 Woodhouse Road North Finchley
London N12 9ET**

Reference: **16/3759/FUL**

Received: 8th June 2016

Accepted: 14th June 2016

Ward: Woodhouse

Expiry 9th August 2016

Applicant: Mr Adam Shafron

Proposal: Demolition of existing buildings and erection of three storey building with 8.
no self-contained flats, with landscaping, car parking, cycle and refuse
storage

Recommendation: Approve subject to s106

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

3. 3. Highways (traffic order) £2,000.00
A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development.

4. Monitoring of the Agreement £100.00
Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement the Service Director of Development Management and Building Control approve the planning application under delegated powers subject to the following conditions:

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

Existing (Received: 08/06/16)

- WHR-DS-01-ZZ-DR-A-P210 Rev P0

- 01

Proposed (Received: 07/09/16).

- WHR-DS-01-ZZ-DR-A-P201 Rev P1
- WHR-DS-01-ZZ-DR-A-P200 Rev P1
- WHR-DS-01-ZZ-DR-A-P202 Rev P1
- WHR-DS-01-ZZ-DR-A-P203 Rev P1
- WHR-DS-01-ZZ-DR-A-P204 Rev P1
- WHR-DS-01-ZZ-DR-A-P205 Rev P1
- WHR-DS-01-ZZ-DR-A-P206 Rev P1
- WHR-DS-01-ZZ-DR-A-P300 Rev P1
- WHR-DS-01-ZZ-DR-A-P100 Rev P0
- WHR-DS-01-ZZ-DR-A-P101 Rev P0
- WHR-DS-01-ZZ-DR-A-P102 Rev P1
- WHR-DS-01-ZZ-DR-A-P103 Rev P1
- WHR-DS-01-ZZ-DR-A-P003 Rev P0

Reports:

Geo-Environmental Desk Study Report (dated April 2016)

Transport Assessment (dated: May 2016)

Daylight and Sunlight Study (Dated: April 2016)

Marketing report prepared by Jeremy Leaf and Co (dated: January 2016)

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 buildings 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.

4 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 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 Adopted Barnet Development Management Policies DPD (2012).

5 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.

6 No site works or works on this development including demolition or construction work shall commence until a Demolition, Construction and Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13 , CS14, DM01, DM04 and DM17 of the Barnet Local Plan and polices 5.3, 5.18, 7.14 and 7.15 of the London Plan.

7 Prior to the first occupation of the new dwellinghouses (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures

so that mains water consumption would meet a standard of 105 per head per day or less. The development shall be maintained as such in perpetuity thereafter.

Reason:

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

8 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).

9 Prior to first occupation, the development hereby approved 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.

10 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (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).

11 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).

12 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

13 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.

14 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 (including green roof) 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.

15 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. WHR-DS-01-GF-DR-A-P003 P0 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.

16 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the flank elevations of the building.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

17 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2015.

18 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, including a technical report have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed using anti-vibration mounts. 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).

19 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation above ground floor level facing no. 42 Woodhouse Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

20 a) Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

b) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and Policy 5.3 of the London Plan 2015.

21 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations

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

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2015.

22 a) No development other than demolition works shall take place until details of the proposed green roof have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

RECOMMENDATION III:

1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 22/11/2016, unless otherwise agreed in writing, the Planning Performance and Business Development Manager Control REFUSE the application under delegated powers for the following reason(s):

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

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. 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 £26,250.00 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £101,250.00 payment under Barnet CIL.

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

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

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

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and

surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

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.

Officer's Assessment

1. Site Description

The existing site is a light industrial (B1c Class) unit accessed from Woodhouse Road that runs along the side boundary of no.43 (Woodhouse Road).

To the front is Churchfield House, a supermarket at ground floor level with residential units above. A garage block is located to the east and residential gardens to the west and north.

2. Site History

Site Address: Rear of 45-51, Woodhouse Road, N12 9ET

Application Number: F/05546/13

Application Type: Full Application

Decision: Refused

Appeal Decision: No Appeal Decision Applies

Proposal: Demolition of existing building and construction of 5 x 3 bedroom terraced houses and 2 x 2 bedroom semi-detached houses, with associated car and cycle parking, refuse facilities, and amenity space.

Reasons for Refusal:

1 The proposals by reason of the lack of marketing information provided have not demonstrated to the Local Planning Authority's satisfaction that the site is no longer suitable and viable for business use in the short, medium and long term. The proposals would be contrary to policy DM14 of the Adopted Barnet Development Management Policies 2012.

2 The proposed development by reason of its height, scale, massing and design would appear visually dominating and overbearing as perceived from the rear gardens of no.4 Lambert Road, no.6 Lambert Road, no.43 Woodhouse Road and no.41 Woodhouse Road. The proposals would be contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012.

3 The proposals, by reason of their cramped nature and form, scale, massing and design, would constitute an overdevelopment of the site and be detrimental to the character and appearance of the general locality and streetscene. The proposals would be contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012.

4 The proposed development, by reason of the form of the proposed amenity areas, and in particular their shallow depth, and limited light and outlook to the rear windows would provide a poor level of amenity for future residents. The proposals would be contrary to policy DM02 of the Adopted Barnet Development Management Policies 2012 and the Supplementary Planning Document on Residential Design Guidance.

5 The proposed front windows and balcony amenity areas would be likely to cause a harmful degree of overlooking to neighbouring residential occupiers at 43 Woodhouse Road, 2 Lambert Road and 4 Lambert Road. The proposals would be contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012.

3. Proposal

- Demolition of existing buildings and erection of a three storey building with 8. no self-contained flats
- Landscaping, car parking, cycle and refuse storage

4. Public Consultation

Consultation letters were sent to 68 neighbouring properties.

39 letters of objection have been received (summarised below):

- Out of character with the area
- Loss of privacy/overlooking
- Loss of light
- Noise and disturbance from use
- Lack of off street parking
- Loss of trees
- Overbearing
- Negatively affect property prices
- Overdevelopment of the site
- Overshadowing
- Small amenity space for future occupiers
- Potential pollution
- Loss of employment
- No affordable housing

5.1 Policy Context

National Planning Policy Framework:

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 document 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 2016:

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. 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. The Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

Barnet Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11 September 2012.

Barnet Core Strategy Policies:- CS NPPF, CS1, CS3, CS4, CS5, CS9, CS12, CS13, CS14 and CS15

Barnet Development Management Policies Document Policies:- DM01, DM02, DM03, DM04, DM08, DM17.

Local Supplementary Planning Documents:

The Council has adopted two supplementary planning documents (SPD's), the Residential Design Guidance SPD (2013) and Sustainable Design and Construction SPD (2013).

5.2 Main issues for consideration

The main issues are considered to be:

- Whether the principle of the development is acceptable
- Impact on the character and appearance of the street scene and general locality
- Impact on the amenities of neighbouring occupiers
- Standard of accommodation for future occupiers
- Impact on highway safety

5.3 Assessment of proposals

Whether the principle of the development is acceptable

The NPPF advises that:

Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

Policy DM14 advises that the loss of a B Class use will only be permitted where it can be demonstrated to the council's satisfaction that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of effective marketing has been undertaken. Where this can be demonstrated the priority for re-use will be a mixture of small business units with residential use.

In terms of marketing evidence the applicant has submitted a report prepared by Jeremy Leaf & Co.

This states that:

- The building is fire damaged and in a serious state of disrepair; and that there is no scope to retain the building given the extent of this.
- The site has been marketed through a marketing board and on the Jeremy Leaf Website
- The rent was guided at £4 per square ft with flexible terms being considered.
- There was some interest but none was pursued. Principle reasons were the poor condition of buildings and the cost of the demolition of the site.

It would appear that a marketing exercise has been undertaken. Whilst there may be some argument that a greater amount of advertising could have been undertaken, in the view of officers the price of £4 per square foot appears reasonable. Having inspected the site, officers note its poor condition and agree that this is likely to discourage potential occupiers. Furthermore, the redevelopment of this backland site for a commercial use could give rise to noise/amenity concerns, and is unlikely to be attractive for commercial uses.

Therefore, on balance, it is considered that there is little prospect of re-use of the site for employment use, and as such, there would be no material conflict with policy DM14 of the Adopted Barnet Development Management Policies (2012).

Impact on the character of the area

Policy Context

Local Plan policy DM01 states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The London Plan also contains a number of relevant policies on character, design and landscaping matters. Policy 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment.

During pre-application discussion planners raised concerns over the proposed bulk and massing and in response, the applicant has made a number of major revisions to successfully address these issues.

Scale, Bulk, height and massing

Density

With regard to the London Plan 2016 and the Density Matrix found in Table 3.2, it is considered that the site can be defined as 'suburban' according to the London Plan definition and has a PTAL score of 3. The site is approximately 0.0125 hectares in size

and the development includes 8 self-contained flats. Calculations show that the proposed scheme's density is approximately 64.0 units per hectare, and this is within the density range for its context and the guidelines in the London Plan (35-95u/ha). All matters considered, the density of the development is considered to be appropriate for the area and therefore the Council has no objections on this matter.

Due to the sites depth and the proximity of neighbouring occupiers, care was taken to limit the proposed bulk and massing which was achieved in the following ways:

- The proposed footprint is similar to that of the existing industrial building on site
- The flank elevation facing the houses on Woodhouse Road is slightly staggered and this relief serves to break up the flank wall.
- To avoid the building appearing top heavy the third floor was set in by 3/4.5m on the side elevations and 4.5 towards the rear.
- Glass will be used to house the proposed staircase core so as to render it more transparent.

Whilst it is acknowledged that the proposed building would be larger in terms of bulk and massing than the existing factory there are site specific circumstances which render this acceptable. Most importantly the building is slightly obscured from public view and it is also worth noting that the adjacent three storey building (Churchfield House) is of similar proportions, meaning the transition from one building to the other would not appear out of place.

Design

The proposed modern flat roof design using white render and glazing departs slightly from the more traditional buildings surrounding the application site. However, no objections are raised because the site is not located within a conservation area and some evolution of the areas character is to be expected for a backland site. Given the backland nature of the site, the building will not be prominent within the streetscene.

Conclusion

In conclusion the proposed building, in terms of scale, siting and external appearance would preserve the character of the area. It would accord with Policy CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document (2012) (CS), Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012) (DMP) and the thrust of Barnet London Borough Local Plan Supplementary Planning Document: Residential Design Guidance (2013). These, together, seek to protect and enhance Barnet's character to create high quality places.

Impact on neighbouring amenity

Noise and disturbance

It is noted that that the site would be set away from the adjoining dwellings and also that the existing industrial use on site would generate a certain degree of noise and disturbance. In terms of use of the site as flatted development, it is considered unlikely that general noise and disturbance resulting from 8 additional households would be such that it would disturb adjoining occupiers.

Overlooking and loss of privacy

Windows located within the side elevations of the building above ground floor level will be obscure glazed (secured through condition) in order to avoid potential overlooking and a loss of privacy.

The distance between directly facing clear glazed windows to habitable rooms of neighbouring properties would be more than 21m. Similarly the distance from a clear glazed habitable room window to a directly facing private external amenity area (balcony, terrace or rear garden) within the development would not be less than 10.5m in the majority of cases.

For the reasons set out above the proposal is considered to comply with the requirement (as set out in the Barnet Residential Design Guidance SPD) that in new residential development there should be a minimum distance of about 21m between properties with facing windows to habitable rooms and 10.5m to a neighbouring garden, subject to the conditions recommended. It is considered that the design and layout of the windows, doors and external amenity areas in the proposal are such that the new residential units would all be provided with an adequate level of privacy and not suffer unacceptable overlooking. The proposal is therefore found to be acceptable in this regard.

Daylight, sunlight and overshadowing

37-43 Woodhouse Road and 2 - 8 Lambert Way:

The rear gardens serving these properties are north east facing and benefit from limited sunlight during the morning. To limit any loss of light the two storey element has been set away from these boundaries by 6m and the three storey element by 9m.

Grove Road:

These neighbouring gardens are west facing and the resulting affect could be more noticeable during late afternoon. However, the rear of these gardens are separated from the proposed flank wall by a distance of just under 18m. Bearing this in mind the effect is unlikely to be so significant that it would negatively affect the living conditions of these occupiers

Outlook and visual impact

With regard to outlook the main area of concern when designing the proposed scheme was the potential impact to the rear gardens of Woodhouse Road with specific reference to no. 43. While it is appreciated that the outlook from this garden would be slightly reduced when compared to the existing situation on site, that is not to say this new relationship would harm the amenities of these occupiers.

As pointed out above, the three storey element is over 9m from this shared boundary and the two storey element 6m, which is considered a sufficiently large distance so as not to affect the outlook of these occupiers to a level which would significantly affect outlook.

Impact on future amenity

Local Plan policies require high quality design in all new development that creates attractive places which are welcoming, accessible and inviting. Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook

for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings and outdoor amenity space. Policy DM04 states that buildings should be designed to minimise exposure to air pollutants. The same policy states that proposals to locate noise sensitive development in areas with high levels of noise will not normally be permitted and also that the mitigation of any noise impacts will be expected where appropriate.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new residential accommodation. These include requirements to provide high quality indoor and outdoor spaces and seek accommodation which has an appropriate layout and meets the needs of its occupiers over their lifetime.

The council has adopted SPD's (entitled Sustainable Design and Construction and Residential Design Guidance) providing more detailed guidance on a range of matters related to creating new residential accommodation that has adequate amenities for its future occupiers.

The Mayor has also adopted SPG's (entitled Housing) providing detailed guidance on issue related to designing new residential accommodation to achieve acceptable amenities for its future occupiers.

Internal space provision

UNIT 1	Ground	71 m2	Garden
UNIT 2	Ground	71 m2	Garden
UNIT 3	Ground	75.5 m2	Garden
UNIT 4	First	71 m2	Balcony
UNIT 5	First	71 m2	Balcony
UNIT 6	First	75. m2	Balcony
UNIT 7	Second	78 m2	Balcony
UNIT 8	Second	53 m2	Balcony

All 8 units proposed would exceed the minimum unit sizes as set out in the London Plan (2016).

External amenity space provision

The table above shows the type of amenity available to each unit. Units 1, 2 and 3 benefit from private gardens which exceed Barnet's requirements (Table 2.3 Sustainable Design and Construction SPD 2013). The remaining units have been provided with modest balconies large enough to comfortably accommodate a table and chairs. In addition, the occupiers of the upper floors would also have access to a large communal garden towards the rear which would also exceed the above requirements.

Dwelling layout and outlook

Officers find that the proposed dwellings are reasonably proportioned, with rooms that are not excessively deep or narrow. It is also accepted that the design approach proposed makes adequate efforts to maximise the number of dual aspect dwellings within the constraints of this site.

Development plan policy requires that new dwellings are provided with adequate outlook. The design approach proposed maximizes the outlook of occupiers of the new dwellings,

while also taking account of the need to prevent unacceptable levels of overlooking at neighbouring properties. An example of a way in which this is achieved is the careful siting an orientation of windows in the proposed buildings. It is considered that each of the dwellings proposed in this instance has an acceptable outlook.

Daylight and sunlight

The applicant has submitted a daylight and sunlight study the conclusion of which states that the development layout satisfies all of the requirements set out in the BRE guide 'Site Layout Planning for Daylight and Sunlight' and therefore considered acceptable.

Parking

The proposal is to to demolish the existing building and provide 7 x 2 bedroom flats and 1 x 1 bedroom flat in a three storey building.

In accordance with LBB Parking Standards the development should provide 1 to 1.5 car parking spaces per unit for the two bedroom flats and between 0 and 1 space for the one bedroom units. The site is within the North Finchley CPZ and has a PTAL of 3 being medium accessibility and is estimated to generate a parking demand of 10 spaces (4 spaces are proposed on site).

A parking survey has been provided with the Transport Statement. Car parking controls are Mon-Sat 0900-1700 and an assessment has been made on the number of parking spaces overnight. Additional surveys should be carried out at different times of the day as the location is in the vicinity of North Finchley town centre and there are competing demands when residents are returning home to find parking spaces occupied by visitors to commercial premises such as restaurants, etc. In these cases a survey between the hours of 1800-2100 will be required, noting the amount of parking on a 15-minute basis over this time.

As the surveys have not been carried out at these times the applicant will be expected to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits.

In accordance with the London Plan the development will provide 20 cycle spaces with the minimum provision being 2 spaces per unit.

There is no highway objection to the proposals subject to a legal agreement being signed by the applicant agreeing to the removal of the right of residents to this property to purchase residential parking permits and securing a contribution of £2000 to change the relevant Traffic Management Order (TMO).

Impact on infrastructure

The scheme would be liable to make a contribution under both the Barnet and Mayoral Community Infrastructure Levy schemes. These contributions are considered to adequately address any infrastructure requirements arising from the scheme.

5.4 Response to Public Consultation

Out of character with the area: Addressed in 'assessment of proposals' above.

Loss of light: Addressed in 'assessment of proposals' above.

Loss of privacy/overlooking: Addressed in 'assessment of proposals' above.

Loss of light: Addressed in 'assessment of proposals' above.

Noise and disturbance from use: Addressed in 'assessment of proposals' above.

Lack of off street parking: Addressed in 'assessment of proposals' above.

Loss of trees: Addressed in 'assessment of proposals' above.

Overbearing: Addressed in 'assessment of proposals' above.

Negatively affect property prices: This has been taken into account but it is not a material planning consideration and has therefore been attributed limited weight in this instance.

Overdevelopment of the site: Addressed in 'assessment of proposals' above.

Overshadowing: Addressed in 'assessment of proposals' above.

Small amenity space for future occupiers: Addressed in 'assessment of proposals' above.

Potential pollution: A condition relating to land contamination has been attached to this decision notice where such issues would be addressed.

Loss of employment: Addressed in 'assessment of proposals' above.

No affordable housing: The proposed scheme falls below the affordable housing threshold.

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 application is recommended for APPROVAL.

