

**Location**                      **Land To The Rear Of West Walk Barnet EN4 8NU**

**Reference:**                      **16/4682/FUL**                      Received: 15th July 2016  
Accepted: 10th August 2016

Ward:                              Brunswick Park                      Expiry 5th October 2016

Applicant:                      Mr Freeds Developments Freeds Developments

Proposal:                      Construction of 5 no. two storey terraced dwellinghouses. Provision of 8 no. off-street parking spaces, associated refuse storage, amenity space (Including allotments)

**Recommendation:** Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: TPP/LR0WWB/010D, Ecology Report, Flood Risk Report, 5932(P) 301, 5932(P) 500, 5932(P) 001 Rev A, 5932(P) 100, 5932(P) 300,

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 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.

- 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 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.

5 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).

6 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.

- 7 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. 5932(P) 001 Rev A; 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.

- 8 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).

- 9 Prior to occupation hereby permitted a Community Use Agreement Plan for the allotments shall be submitted to and approved in writing by the Local Planning Authority. The Community Use Agreement submitted shall include, but not be limited to, details of the following:

- (i) Hours of opening for the allotments provided at the site.
- (ii) Pricing policy on charging for use of the facilities provided at the site.
- (iii) Policy on access and availability to the sites facilities for non-residents and non-members.
- (iv) Management arrangements for the site and facilities provided, including a mechanism for review of the Community Use Agreement.
- (v) Parking arrangements for users of the site.
- (vi) Code of conduct for users of the site.

The development shall be occupied in full accordance with the approved Community Use Agreement.

Reason: To secure well managed access and appropriate availability to the community facilities provided by the scheme in accordance with policy CS10 of the Barnet Local Plan.

- 10 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.

- 11 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).

- 12 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(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 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 13 Prior to the first occupation of the new dwellinghouse(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 March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 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 40% 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), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

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

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

- 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 East and West elevation facing.

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 The premises shall be used for \_ and for no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

- 18 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until the temporary tree protection as detailed in the approved Arboricultural Report dated November 2014 has been erected around existing trees on the 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 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.

- 19
- a) No site works or works in connection with the development hereby approved shall be commenced until details of the no-dig construction technique for the construction of the hereby approved new hardstanding and driveway have been submitted to and approved in writing by the Local Planning Authority.
  - b) The development shall be implemented in accordance with the approved details.

Reason: To safeguard the health of existing trees which represent an important amenity feature.

#### **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 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.

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.

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.

- 4 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.



## **Officer's Assessment**

### **1. Site Description**

The application site, a triangular vacant plot historically used as allotment land is located between West Walk, Woodfield Drive and Uplands Road. Whilst the site benefits from several access points, the development that is the subject of this report will be accessed via a private road from West Walk, only. This road also serves garages that belong to properties on West Way. The site is over-grown and is in a derelict state. The property does not benefit from any special designation.

### **2. Site History**

Planning application (Ref No: 15/02741/FUL) for the 'Construction of 5 no. two storey terraced dwellinghouses. Provision of 8 no. off-street parking spaces, associated refuse storage, amenity space (Including allotments)' was granted permission on the 17th of September 2015.

### **3. Proposal**

The current submission seeks planning permission for the 'Construction of 5 no (Four-bed). two storey (plus habitable space in the roof) terraced dwellinghouses, provision of 6x allotments plots, 8 no. off-street parking spaces, associated refuse storage and amenity space'

The proposed terrace of 5 houses will contain a depth, width and height of 10m x 26m x and 8.5m (At its highest point), respectively. The new block will have an combined internal floor area of circa 260m<sup>2</sup>. Each four bedroom house will contain an internal floor area of circa 104m<sup>2</sup> and external amenity space of 73m<sup>2</sup>. The proposed building will be located 2m from the Eastern, 5m from the Western boundary, 14.1m from the Southern boundary and in excess of 50m from the Northern boundary. 6 allotments plots, 8 parking spaces and refuse storage would be located to the North of the building. The new terrace will be of a fairly traditional design with hipped roofs, modest porches with georgian fenestration.

The only changes from the previous to the current submission are noted to be an increase in height from 7.7m to 8.4m (Increase of 0.7m) and the introduction of one new rear dormer per unit. When compared to the previous submission, each new dormer will accommodate an additional bedroom. These new dormer windows will contain a width, height and depth of 1.4m , 1.6m and 2.3m, respectively.

### **4. Public Consultation**

132 neighbouring properties were consulted on the 10th of August 2016. , 34 letters of objection were received. The objections are outlined as follows:

The objections received can be summarised as follows:

- The site is not accessible via the private road (width and absence of turning facilities).
- Risk of flooding
- Who will maintain streetlighting
- Loss of privacy
- Noise and disturbance
- Impact on wildlife
- Loss of daylight
- The application form states no change to access (Section 6)
- Insufficient refuse and recycling provision

- Insufficient parking
- No details of pedestrian access has been provided.
- The proposal constitutes a backland development with no justification.
- The proposal will fail to respect the character of the area.
- The removal of trees will result in a loss of a landscaped area.
- Poor layout form and architectural vernacular
- No access for emergency vehicles
- Installing services beneath the access road is not permitted and would result in trespassing
- Construction work will result in damage to the access way.
- Increased traffic which could result in accidents
- The use of the property until 2006 was an allotment.

Internal:

Highways: No objection

Trees: No objection

Other:

Fire Services: No objection

Environment Agency: No comment

## **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. 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 DPD (2012): Policies CS NPPF, CS1, CS4, CS5, CS7, CS9
- Relevant Development Management DPD (2012): Policies DM01, DM02, DM03, DM07, DM08, and DM15, 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.

Residential Design Guidance SPD (adopted April 2013)

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

### **5.2 Main issues for consideration**

The main issues in this case are considered to be covered under five main areas:

- Principle of Development
- Whether harm would be caused to the character and appearance of the locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposal would provide adequate amenities for future occupants;
- Whether harm would be caused to highway safety;
- Whether harm would be caused to trees.

These shall be addressed in turn:

### **5.3 Assessment of proposals**

As outlined in the 'History' section of this report a similar proposal has been granted permission in 2015. The current application seeks planning permission for the same development plus an additional dormer to each house to accommodate an additional bedroom. Each house will now accommodate 4-bedrooms and not 3-bedrooms as was the case in the previous submission.

#### Principle of Development

The discussion around the principle of development centres around two key issues. Firstly, the concept of a back-land development and secondly the loss of allotment or open space.

#### a) Back-land Development/Garden Grabbing

Core Principle 8 of the NPPF 2012 advises that housing should be located in suitable locations and that this should be achieved by 'encouraging the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value'. This would not preclude development on land that does not fall within the definition of previously developed land. As such, applications that are for development on land not defined as previously developed land should be assessed on their merits with reference to the development plan. In this case Development Management Plan Policy DM01 states:

*'Protecting Barnet's Character and Amenity 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. In order to protect character Policy DM01: Protecting Barnet's Character and Amenity requires development to 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.'*

Policy DM01 does not preclude development on vacant space. The last sentence of this policy is very clear, '...Development that is out of scale and does not respect the setting of other buildings will not be acceptable'. Conversely, development that does respect the setting of other buildings and is of an appropriate scale could be acceptable in the locality. The proposal envisages an acceptable scheme (as discussed below)

'Back-land development' or 'Garden Grabbing,' relates to taking a rear garden of a house and seeking to build more houses. The Council supports London Plan Policy to limit the inappropriate development of back gardens that erode the character of suburban areas, as reflected in the Councils Development Management Policies. As discussed above, Policy DM01 does not preclude development of this nature, rather requires development to be of an appropriate scale and to respect the setting of surround buildings. The proposal seeks permission for a two storey terrace constituting 5 units with generous gardens and allotment space, thus making effective use of an underused site in a scale, mass and bulk that is relational to the locality. The proposal is considered to comply with all relevant policy and the principle of development is accepted.

a) Loss of Allotment/Open Space

Allotments, Open Space and recreational facilities are planned for, managed and maintained by a variety of agencies operating in a complex legislative and policy context. The NPPF (Para 74) prohibits the loss of open space except in exceptional circumstances. Exceptional circumstances constitute one of the following circumstances:

- i) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- ii) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- iii) The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss."

It is noteworthy that DM15 echoes these requirements, however there is no explicit policy protecting allotment.

The Barnet 'Open Space, Sport and Recreational Facilities Needs Assessment' provides qualitative and quantitative evidence of the Boroughs open space network and its intrinsic values. It provides a basis for improving the quality and potential uses of open spaces to cater for increasing demand arising from growth and the changing needs of the community. The document does not identify site as an area of public amenity but does score the locality to have good access to public amenity.

The proposal seeks permission for new housing (x5) and allotment plots (x6). During the passage of time the pre-existing allotments ceased use and became derelict. As the proposal seeks to resurrect the pre-existing use, and provide much needed housing in a form that respects the character of the area, the principle of development is considered to be acceptable.

**Impact on the Character of the area**

Again, while the impacts on the character of the area has been accepted, the discussion and the impacts of the additional dormer windows will be discussed here.

Policies DM01 and DM02 seek to ensure that new development positively enhances the character and amenity of an area. The character of this area is generally suburban and defined by terraced and semi-detached of no more than 2-storeys immediately

surrounding the area. It is considered that there is no objection to a development on site however, this would be on the basis that the resulting development would not detract from the well-established character of the area, and would positively enhance the area.

The form of development on West Walk, Woodfield Drive and Uplands Road are characterised by short runs of terraced properties. Typically these terraces constitute circa 4 units. Given the proposal seeks planning permission for a row of 5 houses in a linear form closely resembling that of a traditional terrace, officers consider the character of pattern of development proposed to acceptable in the context of the immediate area.

The new terrace will be located on the Southern end of the site causing the proposed building to be positioned within its own landscaped setting. The two storey terrace is comparable in height with neighbouring properties located on West Walk, Woodfield Drive and Uplands Road. The architectural vernacular proposed is traditional in spirit with modest roofs, modest porches and traditionally designed windows. Overall the design of the proposal is considered to respect the character of the locality.

8 car parking bays will be provided to the front of the new terrace. The new forecourt will contain sufficient landscaping to ensure the forecourt is not dominated by parking and maneuvering. Details of landscaping shall be secured by condition.

The proposed bin storage would be located on the forecourt and subject to appropriate screening would not be detrimental to the character and appearance of the street.

Rear dormer windows are not alien features to the area. Viewing properties on Woodfield Drive, Uplands Road and West Walk a number of similar and indeed larger dormer windows exist. The proposed dormer windows are also considered to be of a size, design and siting that is considered to respect the proposed vernacular of the proposed houses. No objection is raised with the proposed dormer windows

### **Impact on Neighbouring Amenity**

Properties located on Woodfield Drive, West Walk and Uplands Road are separated by service roads. The new building will be located 6m away from the rear boundary with Woodfield Drive, 8m away from the rear boundaries with West Walk and 18m away from the rear boundaries with Uplands Road. Further it is important to note that actual neighbouring buildings will be further away, i.e 30m away from Woodfield Drive, 32m away from properties on West Walk and 41m away from Uplands Road. With a minimum separation of 30m from any part of the new building, it is not considered that neighbouring privacy will be harmed to a point of detriment

Further and again owing to the not insignificant separation distances the proposed building including the introduction of rear dormers and an increase of 0.7m in height would not appear overbearing or visually intrusive when viewed from neighbouring properties.

Concern has been raised with access arrangements during construction works. It is noteworthy that the Councils Highway Engineer considers the access to be sufficiently wide to accommodate service vehicles and whilst details of construction cannot constitute a reason for refusal, details of a construction method statement will be secured by condition - in the interest of protecting neighbouring amenity.

### **Highways**

The Councils highway engineer has reviewed the case found the access and parking provision to be sufficient to accommodate both adequate parking and access to

accommodate pedestrian, cars, emergency and service vehicles. The turning facilities within the site will allow vehicles to manoeuvre and leave in a forward gear.

### **Trees**

Whilst the subject site contains dense vegetation no tree within the site is covered by a tree protection order. One tree outside the site is noted to be protected. The application seeks to protect this tree during construction - as is normally required. The proposal also seeks to landscape the site. Details of which shall be secured by condition.

### **Other**

Whilst the majority of the site is located with zone 1, the edge of the site is located within Flood Zone 2. Notwithstanding the fact that a small portion of the site is located with zone 2, the development is not considered to be at risk of flooding.

Details of community access to the allotments shall be secured by condition.

There are no designated statutory or non-statutory wildlife sites on or immediately adjacent to site.

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

- The application (Section 6) form has been amended to correctly reflect changes in the access

- Construction work will result in damage to the access way.

Is not a planning consideration and therefore cannot constitute a reason for refusal.

- Loss of species

The applicant has provided an ecology report which demonstrates there will be no loss of protected species

- Installing services beneath the access road is not permitted and would result in trespassing

Ownership and access disputes do not form a merit planning consideration and therefore cannot constitute a reason for refusal.

It is also paramount to note that ownership disputes do not form a merit planning consideration and therefore cannot constitute a reason for refusal.

All other concerns have been addressed in the main body of this report.

### **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**

Whilst the proposal would result in the loss of some open space, it would nevertheless bring 6 allotment plots back into use as well as provide 5 family homes that are policy compliant and provide family accommodation of medium priority to the Boroughs housing stock. The proposal is considered to be acceptable and approval is recommended