

**Location**                                **Land On The Corner Of New Trinity Road And Red Lion Hill Formerly Known As 27 New Trinity Road London**

**Reference:**                                **16/3907/S73**

Received: 14th June 2016

Accepted: 28th July 2016

Ward:                                         East Finchley

Expiry 22nd September 2016

Applicant:                                 Mr Matthew Palmer

Proposal:                                    Variation of condition 2 (parking spaces) of planning permission C14620B/03 dated 16/06/2004 for 'Erection of a terrace of six three storey houses with associated car-parking and vehicular accesses following demolition of existing scout hall.' Variation to include revised parking layout

**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;

#### 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 Before the development hereby permitted is occupied the parking spaces/garages shown on Plans 605-AC-02\_R01 and 605-AC-GA-02.10 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."

- 2 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).

3 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).

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any other Classes A, B, C, D, E and F of Part 1 to Schedule 2 of that Order shall be carried out within the area of the development hereby approved without the prior written permission of the local planning authority.

Reason: To safeguard the amenities of neighbouring occupiers and the general locality.

5 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).

6 Before any part of the building(s) hereby permitted is occupied any retaining wall to be constructed on the site shall be constructed in accordance with the details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the stability of any retaining wall on the site and in the interest of public safety.

7 a) No development shall take place until 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, has be submitted to and agreed in writing by the Local Planning Authority.

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.

8 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.

9 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (unnumbered), 605-AC-02\_R01, 605-AC-02.10, 2147-03C, 2147-04C, 2147-05C, 2147-06C, 2147-08C, 2147-09C, 2147 1:500 Block Plan

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 (adopted September 2012) and Policy DM01 of the Development Management Policies DPD (adopted September 2012).

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) 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.

12 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).

### RECOMMENDATION III:

#### **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.



## **Officer's Assessment**

### **1. Site Description**

The site was formerly known at 27 New Trinity Road, and had previously been used as a Scout Hall but this has been demolished.

### **2. Site History**

Reference: C14620B/03

Address: Former Scouts Hall 27 New Trinity Road East Finchley London N2

Decision: Approved following legal agreement

Decision Date: 16 Jun 2004

Description: Erection of a terrace of six three storey houses with associated car-parking and vehicular accesses following demolition of existing scout hall. (AMENDED PARKING LAYOUT)

Reference: F/04927/10

Address: 27 New Trinity Road, London, N2 8EE (Former Scouts Hall)

Decision: Approved

Decision Date: 04 Feb 2011

Description: Non-material minor amendment to planning permission C/14620/A/03 granted 16/06/2004 for the 'Erection of a terrace of six three storey houses with associated car-parking and vehicular accesses following demolition of existing scout hall.' Amendments to include alteration to front and rear elevations, internal alterations to floorplans.

Reference: 15/04692/192

Address: 27 New Trinity Road London N2 8EE

Decision: Lawful

Decision Date: 29 Jul 2015

Description: Erection of 6 houses in accordance with planning permission C14620B/03 granted 03.02.2004 and subsequent non-material approval F/04927/10 dated 04.02.2011)

Reference: 16/0585/S73

Address: 27 New Trinity Road London N2 8EE

Decision: Report recommends Approove subject to s.106.

Decision Date: Pending Decision

Description: Variation of condition 1 (plans numbers) pursuant to planning permission C14620B/03 dated 14/10/13 for 'Erection of a terrace of six three storey houses with associated car-parking and vehicular accesses following demolition of existing scout hall.' Variation to include enlargement of footprint of proposal to adjoin boundary with no.8 Red Lion Hill and alterations to the eaves level and roof form. (AMENDED PLANS AND DESCRIPTION)

### **3. Proposal**

This application seeks permission for a variation of condition 2 (parking spaces) of planning permission C14620B/03 dated 16/06/2004 for 'Erection of a terrace of six three storey houses with associated car-parking and vehicular accesses following demolition of existing scout hall'. This variation is to include a revision to the parking layout.

Under application reference C14620B/03 and the subsequent non material amendment application under reference F/04927/10, two parking spaces would be at the front of the proposed terrace of houses, and four parking spaces to the rear.

This variation seeks to amend the parking layout to provide all 6no parking spaces at the rear of the terrace. Cycle storage would be retained at the front of the dwellings.

#### **4. Public Consultation**

Consultation letters were sent to 111 neighbouring properties. 9no comments have been received, and 8no objections have been submitted. These are summarised as follows:

- Concerns with public safety due to the access to the site from Red Lion Hill.
- Concern with poor visibility as vehicles manoeuvre in and out of the site.
- General concern with the access to the site.
- Concern with the location of the refuse store.
- Concerns with the impact the additional cars would have on Red Lion Hill.
- Concerns with the safety of children using the footpath.
- Suggestion that a barrier should be installed to improve safety.

#### **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 March 2015

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

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

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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 and DM02, DM04, DM08, 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).

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether the principle of additional parking at the rear of the 6no terraced houses is acceptable.

## **5.3 Assessment of proposals.**

As noted above, this application seeks permission for a variation of condition 2 (parking spaces) of planning permission C14620B/03 dated 16/06/2004 for 'Erection of a terrace of six three storey houses with associated car-parking and vehicular accesses following demolition of existing scout hall'. This variation is to include a revision to the parking layout. It is not necessary to re-assess those elements previously considered acceptable. Therefore, this appraisal will only focus on the planning merit of the amendments proposed to the parking layout.

Condition 2 of application reference C14620B/03 reads as follows:

"Before the development hereby permitted is occupied the parking spaces/garages shown on Plans 2147-01E and 2147-02D 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."

Planning permission was granted under reference C14620B/03 for 'erection of a terrace of six three storey houses with associated car-parking and vehicular accesses following demolition of existing scout hall' on the 16th June 2004. In addition, approval was granted for a non-material amendment on the 4th February 2011 under reference F/04927/10 for 'Non-material minor amendment to planning permission C/14620/A/03 granted 16/06/2004 for the 'Erection of a terrace of six three storey houses with associated car-parking and vehicular accesses following demolition of existing scout hall.' Amendments to include alteration to front and rear elevations, internal alterations to floorplans'. This application seeks to vary Condition 2 to provide 6no parking spaces to the rear of the terrace, instead of what had previously been proposed with 4no spaces provided at the rear, and 2no spaces provided at the front of the terrace.

Advice has been sought from the Highways Team following the concerns that have been raised by neighbours about public safety from vehicles entering and leaving the site, and they have outlined that they do not object to the principle of having 2no additional parking



spaces at the rear of the proposal. They also consider that that the additional parking at the rear would not have a significant impact on pedestrian safety. There would be no decrease in the number of parking spaces as a result of this proposal.

Concerns have also been raised in relation to the location of the refuse store, which will be to the front of the terrace, at the location of the previously proposed 2no parking spaces. These concerns are noted by the officer. Condition 4 of application C14620B/03 outlines the requirement for details of screened facilities for refuse and recycling. As outlined by the applicant, this condition would have to be discharged following the changes in this application.

This application is to provide two additional spaces at the rear of the terrace. There is no proposed increase in car parking at the site, and therefore is it not considered that there would be a significant increase in the vehicular movement at the previously established access point. It is considered that the proposed amendments to the parking layout to allow for 6no parking spaces to be provided at the rear of the dwelling is acceptable, and would not have a significant impact on highway safety.

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

Comments made in relation to public safety have been considered above. The proposals would use an existing access which would already serve an approved scheme with 5 car parking spaces. The amount of development is unchanged and the increase to 6 parking spaces would not change this. It is not considered that the proposals would harm highway or pedestrian safety.

A condition is suggested requiring details of the proposed refuse store but this could be achieved satisfactorily on the site in principle without harm to the appearance of the area or highway safety.

#### **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**

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

