

Location **Britannia House 960 High Road London N12 9RY**

Reference: **16/6697/FUL** Received: 19th October 2016
Accepted: 26th October 2016

Ward: Woodhouse Expiry 21st December 2016

Applicant: Ms Aga Slecicka

Proposal: Creation of additional floor above top floor (7th floor) which is under the level of the existing lift enclosure to provide one additional self contained unit

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 Planning Performance and Business Development Manager 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:

359/PL/400; 359/PL/405; 359/PL/406 Rev C; 359/PL/408 Rev C; 359/PL/409; 359/PL/410 Rev D; 359/PL/411 Rev E

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 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

4 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).

5 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).

6 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

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

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

8 Prior to the first occupation of the 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.

9 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.

10 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 6% 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.

11 a) Before the development hereby permitted is first occupied, details of enclosures for the storage of bikes 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) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.

b) The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

RECOMMENDATION III:

1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 07/02/2017, unless otherwise agreed in writing, the Planning Performance and Business Development Manager 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 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 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.

- 3 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 £0 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 £0 payment under Barnet CIL.

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

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

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

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

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

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.

Officer's Assessment

1. Site Description

The site is Britannia House, a seven storey building on the corner of High Road and Britannia Road within the Woodhouse ward. The existing building is seven stories to the front and steps down to three storeys to the rear.

The site is not located within a town centre. Britannia Road has office and community buildings on the south side however the north side is generally residential. The High Road has a mixture of uses with shopping parades to the south and opposite, and residential properties to the north.

The applicant property is not listed nor located on land designated as Article 2(3) (Conservation Area). There are no protected trees on or adjacent to the application site.

2. Site History

16/2568/FUL:

Creation of additional floor above top floor level (7th floor) of existing building to provide 2 no. self-contained flats.

Recommended for approval by officers and refused at Committee by Members for the following reasons;

1. The proposal would result in the creation of a tall building in a strategically inappropriate location that would cause harm to the character and appearance of the area being contrary to policy DM05 of the Adopted Barnet Development Policies DPD (2012) and policy CS5 of the Adopted Core Strategy (2012).

2. The proposal fails to provide a legal undertaking to enable an amendment to the Traffic Regulations 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

3. The proposals provide inadequate amenity space for the occupiers of the proposed flats. This would be contrary to policy DM02 of the Adopted Barnet Development Management Policies 2012 and the SPD on Sustainable Design Construction and Residential Design Guidance.

15/07451/FUL

Roof extension to existing building adding seventh and eight floors, extending the third and fourth floors to the eastern wing to provide a of total 9no additional self-contained units with associated parking and refuse. New communal terrace to fourth floor. Changes to fenestration. With associated extension to lift shaft

REFSUED (25.02.2016)

The above application was refused for the following reasons:

1. The proposals would result in the creation of a tall building in a strategically inappropriate location that would cause harm to the character and appearance of the area, being contrary to policy DM05 of the Adopted Barnet Development Policies DPD (2012) and policy CS5 of the Adopted Core Strategy (2012).

2. The extensions to the building, by reason of their height and design, would appear out of scale with neighbouring buildings, appearing obtrusive and incongruous. The proposals would be detrimental to the character and appearance of the streetscene and general locality and be contrary to policy DM01 of the Adopted Barnet Development Management Policies DPD (2012), policy CS5 of the Core Strategy (2012), and policies 7.4 and 7.6 of the Mayor's London Plan 2015 and Adopted Barnet 'Residential Design Guidance' SPD (2013).
3. The proposed development would result in a harmful level of overshadowing to the rear windows and garden of no.972 High Road. This would be contrary to policy DM01 of the Adopted Barnet Development Management Policies DPD (2012) and Adopted Barnet 'Residential design Guidance' and 'Sustainable Design and Construction' SPDs (2013).
4. The proposed development would appear overbearing, oppressive and visually dominating as perceived from the rear windows and garden of no.5 Brtiannia Road and no.972 High Road. This would be contrary to policy DM01 of the Adopted Barnet Development Management Policies DPD (2012) and Adopted 'Residential Design and Construction' and 'Sustainable Design and Construction' SPDs (2013).
5. The proposals would result in the harmful overlooking of the rear gardens of neighbouring residential properties at no.972 High Road and no.5 Britannia Road, being contrary to policies DM01 and DM02 of the Adopted Barnet Development Management Policies DPD (2012), and 'Residential Design Guidance' and 'Sustainable Design and Construction' SPDs (2013).
6. Insufficient car parking is provided which would be likely to lead to overspill parking on the public highway contributing to increased kerbside parking to the detriment of the free flow of traffic and highway and pedestrian safety contrary to policies DM01 and DM17 of the Adopted Barnet Development Management Policies DPD (2012).

Reference: F/01895/14

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Prior Approval Required and Approved

Decision Date: 4 Jun 2014

Description: Change of use (5th and 6th Floor) from B1 office to C3 residential (18 Units)

Reference: F/05325/13

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Prior Approval Required and Approved

Decision Date: 9 Jan 2014

Description: Change of use from B1 office (first, second, third & fourth) to C3 residential

3. Proposal

This application seeks consent for creation of additional floor above top floor (7th floor) which is under the level of the existing lift enclosure to provide one additional self-contained unit.

It should be noted that the proposals have been amended since the previous submission which was refused by Members at the September Committee, to show an increase in the setbacks from the front, flank and rear elevations.

Front elevation
Previous setback: 1.4m
Proposed setback: 2.4m

Flank elevation
Previous setback: 1.35m
Proposed setback: 1.85m

Rear elevation
Previous setback: 2.8m (4.75m to projection)
Proposed setback: 4.7m (6.6m to projection)

4. Public Consultation

It should be noted that at the time of writing this report the consultation period had not yet expired. Any additional representations received would be included in the addendum to the report.

182 consultation letters were sent to neighbouring properties.
7 objections have been received and 1 neutral response.

The views of objectors can be summarised as follows;

- Out of keeping
- Pointless development
- Loss of light
- Overlooking
- Loss of privacy
- Relocation of outbuildings on flat roof would make matters worse
- Too high
- Too many units for overpopulated area
- Impact on parking
- Concerns about materials
- Unwelcome precedent

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 Government's 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 to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS8, CS11, CS12, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM16, DM17

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

Sustainable Design and Construction SPD (adopted April 2013)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- The living conditions for future residents

5.3 Assessment of proposals

Proposed siting, character and appearance

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the development of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the building.

This proposal has been considered against Policy DM01 of the Development Management Policies (Adopted) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and seek to ensure that proposals are of high quality design, respect the scale of surrounding buildings, and harmonise with local townscape and character. The pattern of surrounding buildings should be respected.

It is recognised that each planning application should be considered on its own merits nevertheless it is considered that if it is determined that the proposal would not harm the character, it would be difficult for the Local Planning Authority to justify refusal. It is considered that the general design, bulk and massing of this proposal would be in keeping with the size and scale of the adjoining block of flats and would preserve the character and appearance of the established residential developments.

This application seeks consent to erect an additional floor, above the 7th floor to provide one additional unit at this level. The scheme has been amended since the previous refusal showing further set-backs from the front, flank and rear elevations and reducing the number of units from 2 to 1 unit, as detailed above in the report. The height of the proposed extension would be below the height of the existing lift shaft. This is considered to ensure that the proposed development appears more subordinate to the main host block and as such will have limited visibility from the street scene.

The design of the proposed extensions matches that of the existing block using matching materials and following the same fenestration detailing, a condition requiring the building materials to match the existing has been applied to this recommendation. As such it is considered that the design and appearance of the proposed extension is in keeping with the host building and will not appear out of character in the street scene.

Living conditions of future occupiers

The proposed development would provide the following accommodation:

Seventh Floor
F31- 2b4p: 103sqm

It is considered that the proposed new two-bedroom, four person unit at seventh floor levels would significantly exceed the necessary internal floor space required as outlined in Policy 3.5 (table 3.3) of the London Plan 2015.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats outdoor amenity space should be 5sqm per habitable room. Under this application it is proposed to provide a roof terrace measuring approximately 20sqm. Whilst this is under the suggested provision allowance it does provide some private amenity space to address the reason for refusal and it is noted that other new units have been approved without any amenity provision. On balance the amenity provision is considered to be acceptable.

An appropriate area for the storage of recycling and refuse bins has been suggested at the ground floor and it is recognised that space exists for such a facility, however, no details of a proposed enclosure have been provided and therefore a condition requiring its details is suggested. No details of a proposed cycle store have been provided; this too is required through the imposition of a condition

Potential impacts upon the amenities of neighbouring residents.

It is considered that the proposed development which shows a greater setback from all elevations would not be harmful to the occupiers of the neighbouring residential properties.

Highways

The proposed development would require parking provision of between 0 and 2 parking spaces in accordance with the parking standards as set out in the Development Management Policy DM17.

Although it is mentioned in the Design and access statement that there is parking available on site, no parking provision has been identified for the proposed development.

However, taking into consideration the following:

- o The site is located within a town centre location and close to local amenities.
- o The site is within an All Day Controlled Parking Zone.

Development without parking provision could be acceptable if the occupants of the new development are exempted from purchasing parking permits for the CPZ. S106 contributions of £2,000 would be required towards the amendment of Traffic Order for exemption of Purchase of permits.

5.4 Response to Public Consultation

In regard to the concerns raised regarding potential loss of light, overlooking and loss of privacy to neighbouring occupiers the proposals are not considered to detrimentally impact on the amenity of neighbouring occupiers in this manner due to the distance maintained away from neighbouring properties.

In regards to the parking issues raised, it should be noted that the Highways department have raised no objection to the proposed development.

In regards to the proposed development being too high; the extensions is shown as being no higher than the existing lift over-run, so no higher than existing development on the site.

In regard to the number of units proposed it is not considered that this application for one additional unit would be harmful to the character and appearance of the area and in fact would contribute to the housing need for the Borough.

In regards to the potential noise disturbance it is not considered that the proposed development for 1 additional unit would result in unacceptable noise disturbance for existing occupiers.

It is not considered that the proposed development for one additional unit would be harmful to the area in terms of overpopulation, as the proposal contributes to the housing provision requirements.

To address the concerns raised regarding the use of materials for the proposed new extension a condition requiring the materials to match has been suggested.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and support the Council in meeting its statutory equality responsibilities.

7. Conclusion

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

