

LOCATION: 53 Ashley Lane, London, NW4 1PJ
REFERENCE: F/01012/12 **Received:** 14 March 2012
WARD(S): Finchley Church End **Accepted:** 14 March 2012
APPLICANT: Vintoni Development **Expiry:** 09 May 2012
PROPOSAL: Extension to the time limit for implementing planning permission F/00945/09 granted 20/05/09 for 'Erection of two storey detached dwelling house with rooms in basement and roof space.'

Final Revisions:

RECOMMENDATION: Approve Subject to Unilateral Undertaking Subject to a Section 106 Agreement

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 **Education Facilities (excl. libraries) £11,949.00**
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £244.00**
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £2,016.00**
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £710.45**
Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement the Assistant Director of Planning and Development Management approve the planning application reference: F/01012/12 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Design & Access Statement; AL/01; AL/03; AL/14; AL/NH/01; AL/NH/02; AL/NH/04.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 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 Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.
Reason:

To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.

- 4 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.
Reason:

To safeguard the visual amenities of the locality.

- 5 Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.
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.

- 6 Before the development hereby permitted commences, 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 and shall be provided at the site in accordance with the approved details before the development is occupied.
Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

- 7 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) the building(s) hereby permitted shall not be extended in any manner whatsoever.
Reason:

To ensure that the development does not prejudice the character of the locality and the enjoyment by existing and/or neighbouring occupiers of their properties.

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

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

- 9 The use of the basement hereby permitted as part of this application shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate dwelling unit.
Reason:

To ensure that the development does not prejudice the character of the locality, the amenities of occupiers of adjoining residential properties and the amenities of future occupiers of the property.

- 10 A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning

Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development.

- 11 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.

Reason:

To ensure a satisfactory appearance to the development.

- 12 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.

- 13 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.

- 14 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 of Classes A, B, C, D & E of Part 1 to Schedule 2 of that Order shall be carried out within the area of dwelling hereby approved.

Reason:

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

- 15 The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

- 16 No development shall take place until details of a construction management plan have been submitted to and approved in writing by the local planning authority.

Reason:

To safeguard residential amenity.

- 17 Before the development hereby permitted is occupied, parking spaces shall be provided in accordance with Plans AL/03 and that area shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development.

Reason:

To ensure that adequate and satisfactory provision is made for the parking of

vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policies M11, M13 and M14 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

- 18 Before the permitted development commences details of the refuse collection arrangements shall be submitted to and agreed by the Local Planning Authority.
Reason:

In the interest of highway safety in accordance with Policy M11 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D11, D13, H1, H2, H16, M11, M13, M14, CS2, CS8, CS13, IMP1 and IMP2.

Core Strategy (Submission version) 2011: CS4, CS5.

Development Management Policies (Submission version)2011: DM01, DM06, DM14.

ii) The proposal is acceptable for the following reason(s):

Having taken all material considerations into account, it is considered that the proposed development would be in keeping with the character and appearance of the surrounding area. The proposed development is not considered to have a detrimental impact on the residential amenities of neighbouring developments and would provide good quality residential accommodation. The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

- 2 The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £12,063.45.

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your development 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 will be sent a 'Liability Notice' that will provide 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, this is also available from the Planning Portal website.

The Community Infrastructure Levy 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 statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: cil@barnet.gov.uk

- 3 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 Council of 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 email:

street.naming@barnet.gov.uk or by telephoning: 0208 359 7294.

- 4 In case if any modification is proposed to the existing access of the public highway then it will be subject to a detailed investigation by the Highways Group. The proposed modification works including relocation of any existing street furniture would need to be done by the Highway Authority at the applicant's expense. You may obtain advice and an estimate for this and any associated work on public highway from the Chief Highways Officer, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.
- 5 In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team as part of the crossover application. The outcome of this assessment cannot be prejudged.
- 6 Any details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition,

excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the on site provision of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.

- 7 The applicant advised that if the development is carried out, where possible, the applicant should seek to improve the existing pedestrian visibility splays at either side of the vehicular crossover by providing vertical clear visibility over 0.6 metres.
- 8 **The application hereby approved relates solely to the erection of a two storey detached dwelling house with rooms in basement and roof space as applied for on the planning application form.**

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework 2012

The determination of planning applications is made mindful of Central Government advice and the Development 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 basic question is whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

'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 sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

The Mayor's London Plan: July 2011

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.

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.

Policy 3.4 of the London Plan states that development should optimise housing output for different types of location taking into account local context and character,

the design principles set out in Chapter 7 of the London Plan and public transport capacity.

Policy 3.5A states that housing developments should be of the highest quality internally, externally and in relation to their context and the wider environment taking account of strategic policies to protect and enhance London's residential environment and attractiveness as a place to live.

Policy 3.5B indicates that the design of all new housing developments should enhance the quality of local places taking into account, amongst other things, physical context, local character and density. Table 3.3 sets out minimum space standards for new dwellings.

Policy 7.4A states that, development should have regard to the form, function, and structure of an area, place or street, and the scale, mass and orientation of surrounding buildings. The policy goes on to say at 7.4B that buildings should provide a high quality design response that, amongst other things, is informed by the surrounding historic environment.

The Mayor for London has introduced a Community Infrastructure Levy. This applied from 1 April 2012 to most developments in London where the application is determined by the Local Planning Authority.

Within Barnet the levy will be charged at a rate of £35 per square metre of net additional floorspace.

Relevant Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction "saving" 183 of the 234 policies within the UDP.

One overall theme that runs through the plan is 'sustainable development'. Policy GSD states that the Council will seek to ensure that development and growth within the borough is sustainable.

Relevant policies: GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D11, D13, H1, H2, H16, M11, M13, M14, CS2, CS8, CS13, IMP1 and IMP2.

In June 2005 the Council published its "Three Strands Approach", setting out a vision and direction for future development, regeneration and planning within the Borough. The approach, which is based around the three strands of Protection, Enhancement and Growth, will protect Barnet's high quality suburbs and deliver new housing and successful sustainable communities whilst protecting employment opportunities. The second strand of the approach, "Enhancement", provides strong planning policy protection for preserving the character and openness of lower density suburbs and conservation areas. The Three Strands Approach will form the "spatial vision" that will underpin the Local Development Framework.

As part of its emerging Local Development Framework the Council has adopted (October 2006), following consultation, a Supplementary Planning Document relating to Planning Obligations. This highlights the legislation and Barnet's approach in requiring contributions from new development.

On 21 February 2008, following public consultation, a Supplementary Planning Document "Contributions to Education" was adopted by the Council. The SPD, provides guidance and advice in relation to adopted planning policy to secure contributions towards education needs generated by new residential development. The contributions were increased on 1 August 2009.

On 21 February 2008 the Council also adopted following public consultation, a Supplementary Planning Document "Contributions to Library Services". The SPD covers the issues relating to the provision by the London Borough of Barnet of library and related cultural/learning facilities and the role of S106 planning obligations in achieving this. The SPD sets out the contributions that will have to be provided by developers for each proposed new unit of residential accommodation.

On 6 July 2009, following public consultation, the Council adopted a Supplementary Planning Document "Contributions to Health Facilities from Development". The SPD provides detailed guidance that supplements policies in the UDP and sets out the Council's approach to securing contributions for health facilities in order to address additional needs from new development.

The Council has also adopted (June 2007), following public consultation, an SPD "Sustainable Design and Construction". The SPD provides detailed guidance that supplements policies in the UDP, and sets out how sustainable development will be delivered in Barnet. Part 4 recognises that noise can be a significant nuisance, and can undermine quality of life. In order to meet standards for internal noise appropriate levels of insulation will be required. Paragraph 4.16 indicates that the Council requires the acoustic performance of party walls and floors between dwellings to be designed to exceed the minimum requirements set out in Part E of the Building Regulations. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

Core Strategy (Submission Version) 2011

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's

Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS4, CS5.

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01, DM06, DM14.

Relevant Planning History:

Site Address: 53 Ashley Lane London NW4 1PJ
Application Number: C17142/07
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 01/08/2007
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing house and erection of 3 No. four bedrooms houses.**

Case Officer: Fabien Gaudin

Site Address: 53 Ashley Lane, London, NW4 1PJ
Application Number: 01038/10
Application Type: Householder
Decision: Approve with conditions
Decision Date: 10/05/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey side extension following demolition of existing garage and utility room. Construction of new bay windows at ground and first floor level to front elevation. Single storey side extension fronting the Hendon Golf Course. Alterations and extensions to roof including side and rear dormer windows. New front porch. (Addition from Planning permission F/00943/09 - basement with audio visual and laundry rooms).**

Case Officer: Junior C. Moka

Site Address: 53 Ashley Lane NW4
Application Number: W01711A

Application Type: Outline Application
Decision: Approve with conditions
Decision Date: 28/03/1984
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of three detached houses with integral garages.**
Case Officer:

Site Address: 53 Ashley Lane, London, NW4 1PJ
Application Number: 02610/10
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 03/09/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of single garage to front. Installation of electric gate and railings to front of property.**
Case Officer: Junior C. Moka

Site Address: Land adjacent to 53 Ashley Lane, London, NW4 1PJ
Application Number: F/04085/11
Application Type: Full Application
Decision: Refuse
Decision Date: 13/12/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of a new two storey detached single family dwelling house with a basement and rooms in the roofspace.**
Case Officer: Junior C. Moka

Site Address: 53 Ashley Lane, London, NW4 1PJ
Application Number: 00943/09
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 13/05/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey side extension following demolition of existing garage and utility room. Construction of new bay windows at ground and first floor level to front elevation. Single storey side extension fronting the Hendon Golf Course. Alterations and extensions to roof including side and rear dormer windows. New front porch. (Amended Description)**
Case Officer: Junior C. Moka

Site Address: 53 Ashley Lane, London, NW4 1PJ
Application Number: 00945/09
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 20/05/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of two storey detached dwelling house with rooms in basement and roof space.**
Case Officer: Junior C. Moka

Consultations and Views Expressed:

Neighbours Consulted: 25 Replies: 3
Neighbours Wishing To Speak 0

Internal /Other Consultations:

Development Team, Highways Group

3 Parking spaces are being proposed in total comprising 1 garage in each of the property and 1 additional off street parking space for the existing property. However, the site can accommodate more than 3 parking spaces therefore the parking provision is in accordance with the parking standards set out in the UDP 2006.

A new vehicular crossover is proposed for the new property and the existing crossover is retained for the existing property.

Although the Design and Access Statement refers to provision for the refuse storage and collection, it is not shown on the attached drawings. The refuse collection point must be within 10 metres of the public highway and at ground level.

The applicant will be required to submit a construction management plan before starting work.

Recommendation:

No objections on highways grounds subject to the following conditions and informatives.

Date of Site Notice: 29 March 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a currently a plot of land with a 1930s house and a large garden to the north. This part of Ashley Lane is a dead end and the application site is the last on this side of the road. There is a relatively recent housing development opposite around a mews street. Ashley Lane is characterised by different types of houses of different styles and periods including recent developments at 47 Ashley Lane and opposite the site.

Proposal:

The proposals relate to the extension to the time limit for implementing of planning permission F/00945/09 granted 20/05/09 for 'Erection of two storey detached dwelling house with rooms in basement and roof space.'

Planning Considerations:

Planning permission was granted in 2009 for the development of the site, this was conditioned with a three year time limit, this time limit is close to expiry and as such the application is to extend the time limit. There have been no significant material changes to the application site since the previous approval that would warrant a different recommendation.

The following issues must be addressed in view of circumstances or policies that have changed since the 2009 permission was granted:

- Barnet Supplementary Planning Document - Contributions to Health Facilities from Development (2009)

Since the previous approval the SPD- Contributions to Health Facilities from Development (2009) has been introduced. The SPD supplements policies of Barnet's *Unitary Development Plan* (UDP), adopted in 2006. This document does not introduced new policies. This SPD will be taken into account as a material planning consideration when planning applications are being considered. A contribution to health care as a result of development is now required.

This is to be secured by unilateral undertaking along with obligations to education, libraries and monitoring.

Policy Changes:

- Core Strategy (Publication Stage) 2010

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant policies include CS1, CS5, CS6, CS8, CS9, CS10, CS11, CS13, CS15,

DM01, DM04, DM11, DM13, DM14 and DM17. The introduction of the Core Strategy is not considered to warrant a different recommendation on the application, the proposal is still considered to be in compliance with policy.

- London Plan 2011

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.

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.

Policy 3.4 Optimising Housing Potential- states that 'taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in table 3.2. Development proposals which compromise this policy should be resisted. The proposal complies with the standards set out in the density matrix of table 3.2.

Policy 3.5 of The London Plan requires minimum internal space standards for new residential development as set out in table 3.3, the new house proposed complies with these requirements.

The residential element of the development is now expected to be built at Code Level 4 of the Code for Sustainable Homes and the original condition has been amended accordingly.

- National Planning Policy Framework (2012)

The NPPF has superseded all previous PPGs and PPSs.

Paragraph 49 of the NPPF states that "Housing applications should be considered in the context of the presumption in favour of sustainable development".

The government consider that "there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- **an economic role** – ... by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation
- **a social role** – ... by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment ... "

In paragraph 21, the government encourages the effective use of land by reusing

land that has been previously developed (brownfield land).

Paragraph 56 states “the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

The general message of Section 6 of the NPPF 'Delivering a wide choice of high quality homes' advises that Local Planning Authorities should enable the provision of good quality new homes in suitable locations.

Paragraph 53 states that "Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area". As the site is considered to be garden land to 53 Ashley Lane it does not fall within the definition of previously developed land. However, in itself that does not necessarily preclude development on the site. The site is in a sustainable location and development of it would conform with the requirement in the NPPF.

It is considered that the application complies with the above sections of the NPPF.

- Barnet Supplementary Planning Document - Contributions to Education (2010)

This document supersedes the council's previous supplementary planning guidance, *Education Contributions from Residential Development (2000)*. This SPD has been prepared as part of the Local Development Framework. The Local Development Framework is made up of a 'folder' of separate documents that will together, in time, fully replace the *Unitary Development Plan*.

The education requirements will be secured by unilateral agreement.

Other changes on site:

Since the 2009 approval, a garage has been built at 53 Ashley Lane. When determining the garage application, officers took into account the extent permission for a new house on the application site and considered that both the garage and the house could be implemented without detriment to the character of the area.

The remainder of the assessment remains as per 2009.

The potential of the site to accommodate further development was recognised at the time of granting permissions in the 1980s and in 2007 and in view of the recent planning history on surrounding sites it is still considered acceptable in the current policy context.

The nature of the development is not in itself considered to harm the residential character of the area. It is noted that the area is characterised by detached dwellings.

The design of this dwelling is considered to complement the variety of styles of

properties on this part of Ashley Lane and the general locality on Ashley Close and Woodtree Close. The straight lines and edges, and traditional fenestration finishes are a common feature of existing buildings. The proposed design is considered to blend in effectively with the surrounding area where there are different styles of buildings. A small design change would help add interest within the streetscene.

The integration of the garage within the ground floor footprint would result in a subordinate addition to the property which would respect the character of properties on this part of Ashley Lane and Woodtree Close.

The height of the proposed building has been designed to correspond to the ridge height of the previously approved work (F/00943/09) at 53 Ashley Lane to 49 Ashley Lane by the junction with Ashley Close. The proposed side and rear dormer windows within this roof design would result in subordinate additions to the application site which would be in character with the surrounding properties on Ashley Lane as the locality is characterised by similar styled roofs. The principle of the side and rear dormer windows proposed are considered acceptable. The dormers proposed are considered to be of an appropriate size and siting.

The site has a significant level change. There is a change of about 5m from one end of the site to the other as you move towards the boundary of Hendon Golf Course. It is considered that the basement has been designed in a way in which will not be obtrusive in the street scene. It is considered that to the majority of neighbours, the basement will be almost invisible. The lightwell located to the front of the property, under the proposed kitchen window will be screened by landscaping to ensure that this remains the case.

The basement is proposed for purposes ancillary to the main dwelling and the application is conditioned accordingly. The proposal is not considered to cause harm to the character and appearance of the area. The proposal is considered not to impact detrimentally on the residential amenity of neighbouring occupiers. The development is not considered to represent an overdevelopment of the application site.

A large garden will be provided to the rear of both the existing and the new dwelling. This meets the council's minimum standards. Given that the buildings will be occupied as 4 bed dwellings and family homes, the amenity space standards that apply to houses are considered to be applicable in this instance. The development is considered to provide an acceptable level of amenity.

The applicant has not highlighted their commitment to delivering a sustainable project. The Design & Access Statement does not demonstrate that a reduction in carbon emissions through on-site generation will be achieved and does not commit the proposal to achieving certification from the council's preferred environmental assessment schemes. Therefore, the proposal fails to meet the council's objectives of sustainable development set out in the adopted Sustainable Design & Construction SPD (June 2007) and Barnet's Adopted Unitary Development Plan (2006). However, this is to be enforced by an attached EcoHomes or Code for Sustainable Homes condition.

Highway:

The Highways Group originally advised that the parking provision is in accordance with the Parking Standards set out in the UDP and that the proposal is acceptable on highways grounds subject to the conditions attached above.

The Community Infrastructure Levy Regulations 2010:

The contributions listed in the above recommendation are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010.

Government Circular 05/05 and the Council's adopted SPD for section 106 related planning obligations is applicable for this site in respect of the following areas:

UDP Policy CS2 indicates that the Council will seek to enter into planning obligations in conjunction with new developments to secure the provision of community and religious facilities. Policy CS8 states that where a residential development creates a need for school places contributions will be secured for such purposes via planning obligations. Policy CS13 states that the Council will seek to enter into planning obligations in conjunction with new residential developments to secure the provision of health and social care facilities.

The purpose of planning obligations is to make acceptable development which would otherwise be unacceptable in planning terms. Circular 05/2005 supports the use of planning obligations to secure contributions towards community infrastructure to mitigate the impacts of new development, provided that they are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind.

Para. B5 of the Circular sets out five policy tests that must be met by the LPA when seeking planning obligations. In addition, Regulation 122 of the Community Infrastructure Levy Regulations, which came into force on 6 April 2010, makes it unlawful for a planning obligation to be taken into account in determining a planning application if it does not meet the three tests set out in Regulation 122. These statutory tests are based upon three of the five policy tests in Circular 5/2005 at paragraph B5 (tests (ii), (iii) and (iv)).

The recovery of costs for the monitoring of planning obligations is set out in Section 8 (para's 8.3 & 8.4) of the Planning Obligations SPD.

Education needs generated by the development:

Circular 05/2005 supports the use of planning obligations to secure contributions towards educational facilities, provided that they are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind.

The proposal would provide an additional residential unit that it is considered would generate an increased demand for educational facilities in the area. The calculation

of additional demand (SPD para's 4.6-4.14), existing facilities and capacity (SPD para's 5.5-5.12), method of calculating the required contribution (SPD para's 3.1-3.15 and 4.1-4.5), and use of the contributions (SPD para's 5.13-5.14) are set out in the Council's SPD "Contributions to Education" adopted in 2010.

It is considered that a financial contribution towards future education facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this.

To accord with UDP Policy CS8 and the SPD the proposed scheme requires a contribution of £11,949 plus a monitoring fee of 5%.

Contributions to library services:

The increase in population resulting from development is expected to place serious pressures on libraries, which are already required to meet all the needs of Barnet's diverse community. Developer contributions are therefore necessary to ensure service provision mitigates the impact of their development activity.

The adopted SPD "Contributions to Library Services" sets out the Council's expectations for developers contributions to the provision and delivery of a comprehensive and efficient library service, with the aim of opening up the world of learning to the whole community using all media to support peoples educational, cultural and information needs. The SPD provides the calculation of additional demand (para's 4.10-4.12), existing facilities and capacity (para's 1.1-1.4 & 2.5), method of calculation (para's 2.4 & 3.1-3.11), and use of funds (para's 5.1-5.7).

It is considered that a financial contribution towards library services is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this. To accord with UDP Policy CS2 and the SPD the proposed scheme would require a contribution of £244 plus a monitoring fee of 5%.

Contributions to Health facilities:

The proposal would provide an additional residential unit that it is considered would generate an increased demand for health facilities in the area. The calculation of additional demand / method of calculating the required contribution (SPD para's 6.1-6.4), existing facilities and capacity (SPD para's 5.7-5.18), and use of the contributions (SPD para's 8.1-8.4) are set out in the Council's SPD "Contributions to Health" adopted in July 2009.

It is considered that a financial contribution towards future health care facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this. To accord with UDP Policy CS13 and the SPD the proposed scheme would require a contribution of £2,016 and a monitoring fee of 5%.

The education, library services, health facilities & monitoring fee of 5% contributions will be secured by Section 106 Agreement.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Nil

4. EQUALITIES AND DIVERSITY ISSUES

The proposal should accord with building control accessibility requirements.

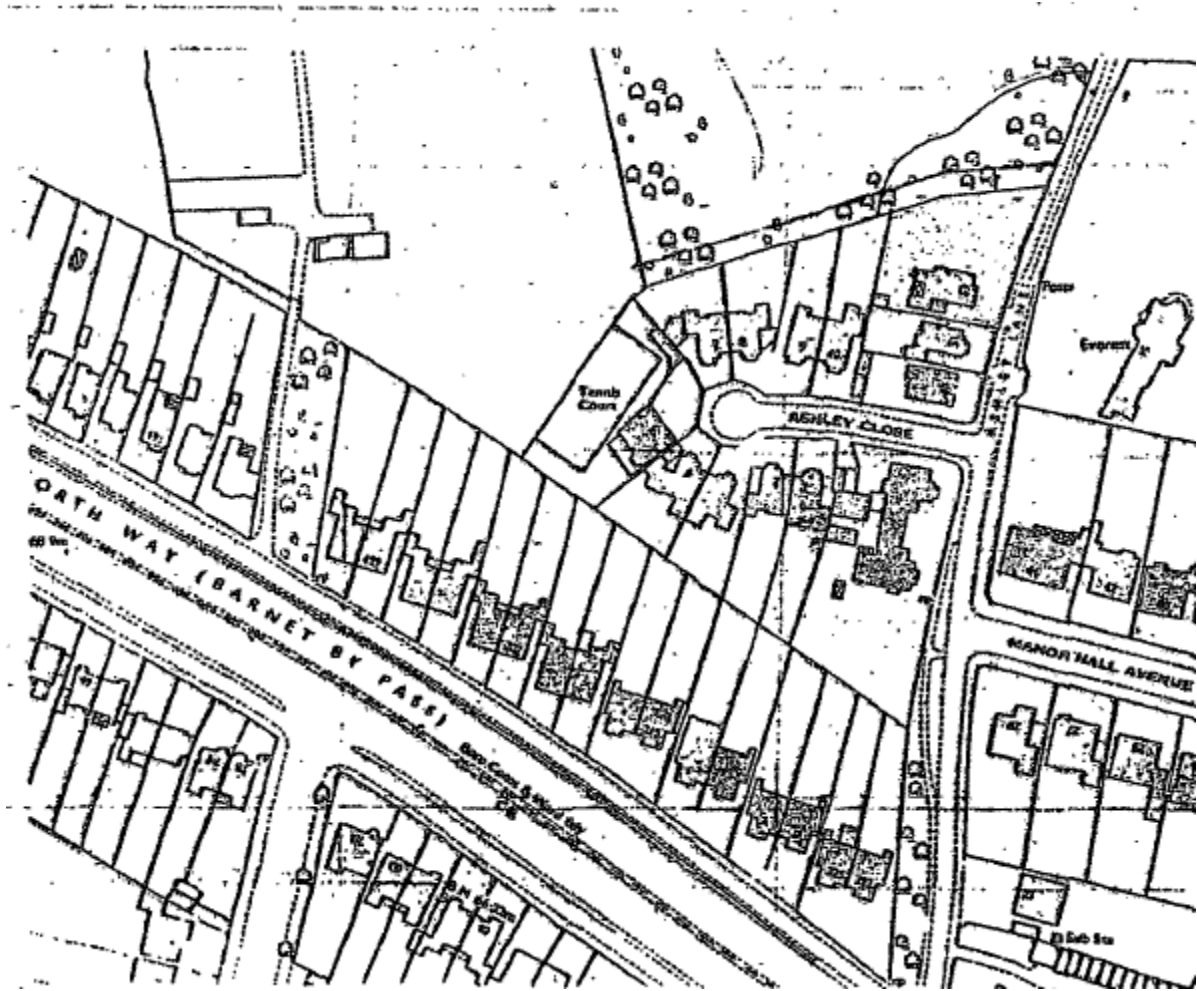
5. CONCLUSION

Having taken all material considerations into account, it is considered that the proposed development would be in keeping with the character and appearance of the surrounding area. The proposed development is not considered to have a detrimental impact on the residential amenities of neighbouring developments and would provide good quality residential accommodation. It is recommended that the application be **APPROVED** subject to conditions.

The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

SITE LOCATION PLAN: 53 Ashley Lane, London, NW4 1PJ

REFERENCE: F/01012/12



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