

Location **67 Leicester Road Barnet EN5 5EL**

Reference: **17/2413/FUL** Received: 12th April 2017
Accepted: 12th April 2017

Ward: High Barnet Expiry 7th June 2017

Applicant: n/a

Proposal: Demolition of the existing buildings and erection of a two storey plus rooms in roofspace detached building comprising 6no self-contained flats with associated amenity space, cycle and bin stores. Provision of 7no. off-street parking spaces

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. 17002 PA 01.01; Drawing no 17002 PA 02.01 Rev B; Drawing no 17002 PA 02.02 Rev B; Drawing no 17002 PA 02.03 Rev B; Drawing no 17002 PA 02.04 Rev B; Design and Access Statement by DS Squared Architects dated April 2017; Noise Impact Assessment by Clement Acoustics report 12176-NIA-01 RevB dated 10th April 2017.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the 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.

- 4 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.

- 5 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).

- 6 Before the development hereby permitted is first occupied, the bin stores as indicated on Drawing no. 17002 PA 02.04 Rev A and Drawing no. 17002 PA 02.01 Rev A shall be implemented in full accordance with the details as approved 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).

- 7 Before the development hereby permitted is occupied the cycle parking and car parking spaces as shown on Drawing No. 17002 PA 02.01 Rev A and 17002 PA 02.04 Rev A shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved 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 London Borough of Barnet's Local Plan Policy CS9 of

Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 8 The roof of the building hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 9 The amenity space shall be implemented and subdivided in accordance with the details indicated on the hereby approved Drawing no. 17002 PA 02.01 Rev A 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) and the Sustainable Design and Construction SPD (adopted October 2016).

- 10 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 been 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.

- 11 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing no.65 and no.69 Leicester Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 12 The layout of the residential units as indicated on the hereby approved plans shall be implemented 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 policy DM01 of the Development Management Policies DPD (adopted September 2012), and the Residential Design Guidance SPD (adopted October 2016).

- 13 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 October 2016).

- 14 a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing.

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

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

- 15 Before the development is commenced details of the pedestrian links through the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details before the site is occupied.

Reason: In the interests of pedestrian and highway safety for future occupiers and users of the site in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 16 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;

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

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 Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 17 Prior to occupation a traffic light controlled warning system giving preference to vehicles entering the site should be provided to manage the one way operation of the access road within the site.

Reason: To ensure the safe form of access to the development and to conform to London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 18 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 10% 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.

- 19 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.

- 20 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.

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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 £6,580.00 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £31,385.09 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

- 3 The applicant is advised that they will need to enter into a section 184 agreement to facilitate the Highways works.
- 4 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.
- 5 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.

- 6 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.

Officer's Assessment

1. Site Description

The application site is an L-shaped site located on the southern side of Leicester Road within the High Barnet ward.

The site appears to be L-shaped due to the historic partial subdivision of the rear garden of 65 and 65A Leicester Road to the east.

The property is not listed nor does it lie within a conservation area.

The site is currently occupied by a two storey detached dwelling, with a number of trees, which are not protected by a Tree Preservation Order, to the rear.

There are arrays of different typologies within the New Barnet area acknowledged by the Council's Characterisation Study, such as Station Road to the south of the site being recognised as a 'Flats' typology with large apartment blocks. Leicester Road has a widely varied character and is identified as 'suburban', with a mixture of architectural styles, single family units and blocks of flats, which are at a smaller scale than the flats on Station Road.

On the opposite side of the road, to the north, lies a group of semi-detached two storey dwellings and a three storey block of flats with rooms in the roofspace to the northwest, known as Bowmar Lodge.

To the east and west of the host site are semi-detached two storey dwellings (of differing designs) with off-street parking.

To the south, the site abuts the rear gardens of large flatted development located on Station Road.

2. Site History

Reference: 15/05432/FUL

Address: 67 Leicester Road, Barnet, EN5 5EL

Decision: Refused

Decision Date: 30.12.2015

Description: Demolition of the existing buildings and erection of a 1no, two-storey building with rooms in roof space to provide 4no self-contained flats and 1no two-storey building to provide 4no self-contained flats with associated parking, landscaping and amenity space.

Reasons for refusal:

Reason 1- The proposed block to the rear of the site by virtue of its scale, mass, siting and layout would fail to reflect the spatial pattern of development in the surrounding area. The proposal would therefore be detrimental to the character and appearance of the application site and surrounding area, contrary to the National Planning Policy Framework 2012, London Plan 2015 Policy 7.3, Core Strategy Policies CS1 and CS5, Development Management Policy DM01 and the Residential Design Guidance SPD 2013.

Reason 2-The proposed block to the rear of the site by virtue of its scale, mass, siting and layout would result in an overbearing and overly dominant structure resulting in a perceived sense of enclosure which would fail to respect the amenities of neighbouring

occupiers, particular to no. 65, 65A and 69 Leicester Road. The proposal would therefore fail to comply with the National Planning Policy Framework 2012, London Plan 2015 Policy 7.6, Core Strategy Policies CS1 and CS5, Development Management Policies DM01 and DM02, the Residential Design Guidance SPD 2013 and Sustainable Design and Construction SPD 2013.

Reason 3- The proposed development would fail to provide adequate vehicle access, detrimental to the free flow of traffic and pedestrian and highway safety. The proposal would therefore fail to comply with London Plan (2015) Policy 6.13, Core Strategy Policy CS9 and Policy DM17 of Development Management Policies (2012).

Reason 4- The proposed block to the rear of the site by virtue of its scale, mass, siting and proposed use would result in a heightened level of activity at the rear of the site and noise and disturbance to neighbouring occupants of the surrounding properties, particular to no. 65, 65A and 69 Leicester Road. The proposal would therefore fail to comply with the National Planning Policy Framework 2012, London Plan 2015 Policy 7.6, Core Strategy Policies CS1 and CS5, Development Management Policies DM01 and DM02, the Residential Design Guidance SPD 2013 and Sustainable Design and Construction SPD 2013.

Reason 5- The proposed residential units would result in sub-standard accommodation which fails to meet the required minimum space standards of bedrooms to units 5 and 7 to the detriment of the amenities of future occupiers. The proposal would therefore fail to comply with Core Strategy Policies CS1 and CS5, Development Management Policies DM01 and DM02, the Residential Design Guidance SPD 2013 and Sustainable Design and Construction SPD 2013.

3. Proposal

The applicant seeks planning consent for the demolition of the existing single family dwelling and erection of a two storey detached building including rooms in the roof space to provide 6 no. self-contained flats with associated car and cycle parking, refuse storage and amenity space.

The units would be comprised as follows:

- 2 x 1 bed (2 occupiers) flats
- 1 x 2 bed (3 occupiers) flats
- 2 x 2 bed (4 occupiers) flats
- 1 x 3 bed (6 occupiers) flats

The proposed building would have a similar front building line to the existing building; in line with no. 69 at the boundary, with a central gable with a projection of 0.6m, and 2.7m beyond the front elevation of no.65. The building would cover the width of the plot, with an undercroft access adjacent to the boundary with no. 65.

The building would maintain a gap of 2.9m from the flank elevation of no.69. On the other side, the building would maintain a gap of 2.5m from the front flank elevation of no. 65, and 1.4m from the recessed side wing.

The building would have a maximum depth of 16.75m at ground floor and 15.35m at first floor. At first floor level, the building would project 3m beyond the first floor rear elevation at the boundary with no.65 and 4.8m beyond no.69. The building would have a central rear

projection, with a depth of 2.3m (measured from the side closest to no.65), set 2.6m from the boundary with no.65 and 3.2m from boundary with no.69.

Amenity space would be provided to the rear of the site, with a communal garden at the rearmost section of the site covering an area of approximately 540sqm. In addition, unit 1 would benefit from a private garden with an area of 41 sqm.

The application follows on from a previously refused application (15/05432/FUL) for two blocks of flats, one located at the front and another in the rear garden. The scheme was refused for several reasons, generally relating to the block of flats at the rear.

4. Public Consultation

Consultation letters were sent to 125 neighbouring properties. 8 responses have been received, comprising 8 letters of objection.

The objections received can be summarised as follows:

- Development is too large for plot
- Could potentially accommodate between 20-25 adults
- Impact on parking
- Manoeuvrability of vehicles and safety implications
- Noise
- Vehicle pollution
- Loss of light and outlook
- Loss of two off-street parking spaces to make way for crossover
- Road is too narrow
- Wider building than existing
- Loss of green space at the rear
- Smaller development would be more in keeping
- Existing house is fine example of period property.
- Imposing building
- Strain on local services
- Impact on demolition including exposure to toxic substances/ materials
- Impact during construction
- Backland development
- Overly dense development

A site notice was erected on the 27th April 2017.

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 2050. 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, CS9, CS10, CS15.

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM07, DM08, DM17

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 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. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The Principle of development and density
- 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.
- Whether the development would provide suitable amenity for future occupiers;
- Whether harm would be caused to trees of special amenity value;
- Impact on Highways;
- Sustainability.

5.3 Assessment of proposals

Principle of development and density

There is no objection to the demolition of the building given that the building is not in a conservation area nor is it a noted heritage asset.

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, particularly in town centre locations. However, they normally involve an intensification of use, creating more activity and which can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, which can have an unacceptable impact on the established character of an area.

Due to the varying character of the dwellings and the tenure on Leicester Road, officers do not object, in principle, to the principle of flatted development.

London Plan policy 3.4 seeks to optimise the housing potential of sites with reference to the density matrix contained in Table 3.2 which provides a guide to appropriate density ranges for particular locations, depending on accessibility and character. The application site has a PTAL of 3 which is considered to be average, and is considered to fall within a suburban setting as defined in the London Plan.

The proposal has been calculated as having 23 habitable rooms and has an area of 0.1153ha. Based on this, the density would equate to 52.04 units per hectare (199.48 habitable room per ha). The scheme would comply with the London Plan density matrix which stipulates a recommended range of 35-95 units per hectare and 150-250 habitable room per ha.

It must be noted that density however is not the only indicator on whether development is suitable. The NPPF stipulates that planning decisions should "optimise the potential of the site to accommodate development" and development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. This will be discussed in more detail in the following section.

The proposed development would result in the loss of family dwelling house (assumed to be at least 3 bedrooms). Policy DM08 stipulates that for market housing, the highest priority is for family homes; the scheme would include a flat which would be considered as a family unit. In addition, the overall increase in the number of units is considered to outweigh the loss of the family unit due to the associated benefits of adding to the housing stock.

Impact on the character of the area

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. However, whilst the NPPF advocates that planning should not attempt to impose architectural styles or particular tastes it is considered proper to seek to promote or reinforce local distinctiveness. Furthermore the NPPF stipulates that development should be guided by the numerous

factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality.

The building line of the proposed building is reflective of the main building line of the existing building. At the rear, although the building would be deeper than the immediate neighbouring properties, given the wider context of Leicester Road, the depth of the building is not considered to be out-of-character. There are other examples on Leicester Road of relatively deep buildings at the rear and in this regard, the scheme would be acceptable

It is accepted that the building would span the width of the plot; however it would still maintain suitable gaps between the flank elevations of neighbouring buildings. On both sides, the gap would be generally in excess of the 2m requirement as stipulated in the Residential Design Guidance SPD.

The design of the building is such that the bulk and massing has been broken down to appear subordinate in certain sections, such as adjacent to no. 65 where the roof of this section is lower than the ridge of the main building. In addition, the front elevation includes recessed sections. Whilst the scale of the proposed structure would be larger than adjacent buildings, the wider context of Leicester Road must also be considered. There are numerous examples of larger flatted developments on other sections of the road and the bulk, scale and massing of the proposed scheme, would in this regard, not be deemed out-of-character.

The eaves and ridge height of the building are considered to be acceptable. The ridge height, although higher than the immediate properties either side, would reflect other ridge heights on the road. The eaves height would match the eaves height of the neighbouring buildings. The proposed front dormer would be centrally located and appears modest in size. The rear dormer would be centrally located and since the originally submitted has been reduced in width and height to site more comfortably on the roofslope.

The principle of rearward parking is considered to be acceptable and has already been established on the road. In terms of impact on the character of the area alone, officers raise no objection.

In terms of parking at the front, this is acceptable in principle. A condition has been added requiring a landscaping scheme to reduce the visual impact on the building and to mitigate against excessive levels of hardstanding.

The building would still retain a large garden at the rear, much larger than neighbouring properties and in keeping with the character of the area. The previous application was refused on the impact of development at the rear; this is no longer a justified reason to refuse the application given the removal of this element.

Overall, the proposal is considered to be suitable in the context of the varied character of Leicester Road.

Impact on the amenities of neighbours

One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours' amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Any development, particularly in an urban/suburban site, should ensure that the amenities of neighbouring occupiers are respected. The Council's guidance advises that new development should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed.

Policy DM01 in Council's Development Management Policies DPD stipulates that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The Residential Design Guidance SPD states that to mitigate overlooking between residential units, the minimum distance between windows serving habitable rooms should be 21 metres and that there should be a distance of 10.5 metres between a new development and a neighbouring garden. Although there are proposed windows to the side elevations of neighbouring properties, these are not primary windows and therefore the siting of the building is not considered to be harmful. To mitigate against the perception of overlooking, the flank windows of the host building would be conditioned to be obscured glazed.

Although the building would project beyond the rear elevation of both neighbouring properties, consideration has been given to the siting of the existing building. As proposed, the building would have an additional projection from the existing host dwelling of approximately 0.7m near the boundary with no. 65 and 1.15m at the other boundary. Given the modest increase in depth compared to the existing building and the distance between neighbouring properties, particularly from the central projection it is not considered that the scale of the building would pose demonstrable harm to the visual amenities of neighbouring occupiers.

As part of the application, the applicant has provided a noise impact assessment which has been reviewed by the Council's Environmental Health officers, who are satisfied that the development would not be harmful to the amenities of neighbouring occupiers. The parking at the rear is proposed to be set away from the garden of no. 69, and buffered by a path along the boundary with no. 65. The proposal would involve an acoustic fence, sited along the boundary; details of this would be obtained by a condition. It is not considered that the comings and goings would result in unacceptable noise and disturbance to the occupiers of the neighbouring properties.

For the reasons specified above, the scheme is not considered to cause unacceptable harm to the amenities of neighbours to warrant refusal of the scheme, particularly given the existing building's depth and siting and gap between properties.

Impact on the amenities of future occupiers

All residential accommodation is expected to meet the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2016. The SPD also confirms that habitable floorspace in rooms with sloping ceilings is

defined as that with 1.5 m or more of ceiling height. The units would comply with the respective minimum space standards.

All proposed residential development should provide suitable outlook and daylight for future units. All habitable rooms would generally benefit from suitable outlook and light; the middle bedroom of the top unit would be served by rooflights and a gable window at the front. One of the bedrooms to the same unit would however be served by rooflights only and the outlook to this room would be limited. Given that this is only one room, and other habitable rooms in this unit benefit from sufficient outlook, it is not considered that this reason alone is sufficient to recommend refusal.

With regards to outdoor amenity space, all new residential development is expected to provide suitable and useable outdoor amenity space for future occupiers as advocated by the Council's Sustainable Design and Construction SPD. For flats, the outdoor amenity space provision is calculated as 5sqm per habitable room. Unit 1 would benefit from a private garden with an area of 41sqm which far exceeds the 20sqm required. The other units would benefit from a communal garden with an area of 540sqm, which exceeds the requirement of 100sqm.

The proposal is considered to provide high quality units for future occupiers and is acceptable in this regard.

Impact on Trees

The Council's Trees team were previously consulted on the last application and at the time did not consider that the loss of the trees and vegetation within the site would be unacceptable.

In addition, there are no trees in the immediate vicinity of the site which are protected by Tree Preservation Order.

The loss of trees did not previously form a reason for refusal and there are no circumstances that would now warrant refusal on these grounds.

A condition has been added recommending a landscape scheme to be provided for the front garden to soften the appearance of the building.

Impact on Highways

The Council's Highways have been consulted on the scheme and subject to conditions do not object to the proposal.

The existing property serves as a single family dwelling with one off street parking space. The site lies within a public transport accessibility rating of 3, which is considered to be average, and although not within the town centre, is within walking distance from it. The site is not within a Controlled Parking Zone (CPZ)

The creation of 6 units (comprised of 2x 1 bed units, 3x 2 bed units and 1x 3 bed units) would require a parking provision of 7 spaces in accordance with Policy DM17. The scheme would provide 7 parking spaces in total, with 5 spaces located at the rear of the site and 2 at the front. The provision would be in accordance with Policy DM17.

In order to provide the parking proposed, the development requires the construction of two new accesses; one access will be the extension of an already existing access which will serve the 2 off-street parking spaces at the front, and the other to create an access road to the rear of the property. The maximum crossover width is 4.8m with a minimum of 1.8m between crossovers. The two proposed crossovers comply with these requirements.

With regards to the parking at the rear, the access road is not wide enough to accommodate two-way traffic. To address this, a warning system is indicated on the plans to manage the one way operation. This system would have to be installed prior to occupation, with priority given to vehicles entering from the public highway; this has been added as a condition.

It is also proposed to have a pedestrian walk path alongside the access road that will be differentiated by a different surface material. No physical segregation between pedestrians and vehicles is proposed, which could raise the possibility of a conflict occurring however these details would be secured by a condition.

A refuse storage point has been identified on Drawing no. 17002-PA-02.02 Rev A. This storage point is within 10m of the public highway and is therefore acceptable on highway grounds. In addition, the store would be sufficient to accommodate the waste/ recycling bins for all the units.

In accordance with Policy 6.9 of the London Plan, new development should provide secure, integrated, convenient and accessible cycle parking facilities. Based on table 6.3 of the London Plan, the development would require the provision of 10 cycle spaces (1 cycle space per studio and 1 bedroom unit and 2 cycle spaces per other sized dwellings). The proposed site plan indicates that cycle storage for 10 bikes would be located at the rear of the site and the cycle store is considered modest in appearance. The provision of cycle parking is in accordance with this policy.

Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and a condition is attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 10% CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy

In terms of water consumption, a condition is attached to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

CIL

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sqm (index related) on all 'chargeable development' in Barnet.

Barnet has adopted its own CIL Charging schedule chargeable on liable development granted permission on or after 1st of May 2013 at £135 per sqm (index related).

The proposal has been calculated to be liable for £31,385.09 of Barnet CIL and £6,580.00 of Mayor's CIL.

5.4 Response to Public Consultation

It is considered that the planning related objections have generally been addressed in the report above. Other comments are addressed below.

"Could potentially accommodate between 20-25 adults"- based on the number and size of the units, there could be up to 21 occupiers. The impact of this is addressed above.

"Strain on local services" - The proposal would make a contribution towards CIL charges which help pay for community infrastructure.

"Impact on demolition including exposure to toxic substances/ materials"- the demolition of the building does not require planning permission. There is no evidence to indicate that there are any toxic materials on the building. An informative has been added to the recommendation however requiring that the demolition is carried out by an approved contractor and notification given to residents.

"Impact during construction"- a condition has been added requiring a construction and logistics plan to be provided to the Local Planning Authority for review. Details that would be expected include the siting of plant and how the general construction would be managed to mitigate the level of disturbance.

"Backland development"- this is not a part of the scheme (it was part of the previous application)

6. Equality and Diversity Issues

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

7. Conclusion

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.

LOCATION PLAN
SCALE 1:1250

